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TITLE 3—THE PRESIDENT

PROCLAMATION 2920

PAN AMERICAN DAY, 1951

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS April 14, 1951, will mark the sixty-first anniversary of the founding of the Pan American Union, which now serves as the General Secretariat of the Organization of American States; and

WHEREAS the Organization of American States has demonstrated its effectiveness in the maintenance of peace in the Western Hemisphere; and

WHEREAS the inter-American system may serve as an example of progress in the achievement of peace, security, and cooperation; and

WHEREAS the Fourth Meeting of Consultation of the Ministers of Foreign Affairs of American States will convene at Washington on March 26, 1951, to consider action to be taken in the common defense of these republics and of the free world:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim Saturday, April 14, 1951, as Pan American Day, and I direct the appropriate officials of the Government to arrange for the display of the flag of the United States on all public buildings on that day.

I also invite the Governors of the States, Territories, and possessions of the United States to issue similar proclamations for the observance of Pan American Day. And I urge all interested organizations, and the people generally, to unite in suitable ceremonies commemorative of the founding of the Pan American Union, thereby testifying to the close bonds of friendship existing between the people of the United States and those of the other American republics.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 23d day of March in the year of our Lord nineteen hundred and fifty-one, and of the Independence of the United States of America the one hundred and seventy-fifth.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 51-3842; Filed, Mar. 26, 1951; 3:59 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

OFFICE OF PRICE STABILIZATION

Effective upon publication in the FEDERAL REGISTER, a new subparagraph (2) is added to § 6.218 (a).

§ 6.218 *Economic Stabilization Agency*—(a) *Office of Price Stabilization.* * * *

(2) The initial appointment to positions of Regional Director, Deputy Regional Director, District Director, and Deputy District Director.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 51-3787; Filed, Mar. 27, 1951; 8:50 a. m.]

CONTENTS

THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 920—HANDLING OF IRISH POTATOES GROWN IN MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW HAMPSHIRE, AND VERMONT

EXEMPTION CERTIFICATES AND SAFEGUARDS

A notice of proposed rule making regarding rules and regulations for the issuance of exemption certificates and the establishment of safeguards, to be made effective under Order No. 20 (15 F. R. 7349) regulating the handling of Irish potatoes grown in Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont was published in the FEDERAL REGISTER (16 F. R. 907). This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the New England Potato Committee, established pursuant to said order, the following rules and regulations are hereby approved.

It is hereby found that it is impracticable and contrary to the public interest to give 30-day notice of the effective date of this order in that (i) shipments of potatoes from the production area are now being made; (ii) more orderly mar-

keting in the public interest than would otherwise prevail will be promoted by effectuating the rules and regulations hereinafter set forth on and after the effective date of this section; (iii) compliance with the rules and regulations will require no preparation on the part of producers and handlers which cannot be completed by the effective date of this order; (iv) notice has been given of the proposed rules and regulations by publication thereof, as required by law (16 F. R. 907); and (v) the rules and regulations should be approved upon publication hereof in order to effectuate the declared policy of the act.

Sec.
920.101 Definitions.
920.102 Area determinations.
920.103 Exemption certificates.
920.104 Safeguards for special purpose shipments.

AUTHORITY: §§ 920.101 to 920.104 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 920.101 *Definitions.* For the purposes of §§ 920.101 to 920.104, inclusive, order means Order No. 20 (§§ 920.1 to 920.92; 15 F. R. 7349) regulating the handling of Irish potatoes grown in the States of Massachusetts, Rhode Island, Connecticut, New Hampshire, and Vermont, and the terms used in such sections shall have the meanings set forth in §§ 920.1 to 920.92.

§ 920.102 *Area determinations.* (a) "Immediate area of production" is synonymous with "districts"; and (b) "immediate shipping area" means the "district" wherein the potatoes to be covered by a handler exemption will be first handled under such exemption.

§ 920.103 *Exemption certificates*—(a) *Application.* Each producer and handler applying for exemption from regulations issued pursuant to § 920.53 shall file such application with the committee, or its duly authorized agent for such purpose, on forms to be furnished by the committee. Each application shall state the name and address of the applicant; the grade, size, and quality regulations from which exemption is requested, and facts demonstrating that the potatoes, for which exemption is requested, were adversely affected by acts beyond his control or by acts beyond the applicant's reasonable expectation. Each application for an exemption certificate must be accompanied by a Federal-State Inspection Certificate or Certificates covering the lot or lots of potatoes for which exemption is requested: *Provided,* That the committee may authorize the submission of such Federal-State Inspection Certificates subsequent to the filing of the applications for exemption and prior to consideration of such applications. In addition, applications shall set forth such additional information as the committee may find necessary in making determinations with respect thereto, including, without limitation thereto, the information required on producer applications by subparagraphs (1) and (2) of this paragraph, and the information required on handler applications by subparagraphs (3) and (4) of this paragraph:

(1) The location of the farm or farms on which potatoes for which exemption is requested were produced, or, if such potatoes are stored, the location of the storage where such potatoes are held, the location where such potatoes are to be processed, and the loading point from which such potatoes are to be shipped if exemption is granted;

(2) Acreage and quantity (by grade, size, quality, and variety) of potatoes harvested prior to the date of application and to be harvested, subsequent to such date, during the remainder of the season or specific portion thereof (as may be determined pursuant to the order); the quantity (by grade, size, quality, and variety) of potatoes disposed of prior to the date of application and to be disposed of subsequent to such date; the location of the potatoes to be disposed of, together with the place where such potatoes will be first handled; an estimate of the portion of such potatoes which can be handled under regulations issued pursuant to § 920.53, during the remainder of the season or specific portion thereof (as may be determined pursuant to the order); and the reasons why all of such potatoes cannot be handled under such regulations;

(3) The quantity (by grade, size, quality, and variety) of potatoes acquired by the applicant and stored during and immediately following the digging season, with appropriate identification of the location of individual storage bins, and a statement as to the reasons why the specified quantity of such potatoes remaining in storage cannot be handled under regulations in effect on and subsequent to the date of the application;

(4) The quantity (by grade, size, quality, and variety) of potatoes acquired by the applicant and stored during and immediately following the digging season, which were handled prior to the date of the application;

(5) Any applicant who is a producer of potatoes and a handler of potatoes produced by others may be required by the committee to distinguish between his producer and handler operations in submitting reports and data with respect to his applications for exemption.

(b) *Investigation of applications.* The committee may authorize investigations of applications by its employees, Federal-State inspectors, and such other persons as may be necessary to procure adequate information to pass upon the merits of such applications.

(c) *Issuance.* (1) The committee, or its duly authorized agents, shall give prompt consideration to all statements and facts relating to each application for exemption, and, pursuant to applicable provisions of the order, a determination shall be made as to whether or not the application is approved. The determination, if approving the application, shall be evidenced by the issuance of a certificate of exemption pursuant to § 920.71: *Provided,* That more than one certificate may be issued, at the request of an applicant, where the applicant ships or causes to be shipped the total quantity of exempted potatoes in more than one lot, in which case each certificate so issued shall be limited to the quantity of exempted potatoes to be contained in the respective lots shipped and the total quantity of exempted potatoes covered by such certificates shall not exceed the total quantity of such potatoes which would be authorized if only one certificate were issued to such applicant.

(2) The applicant shall be notified in writing if his request for exemption is denied.

(3) Each exemption certificate issued pursuant to this subpart shall be on a form duly approved by the committee and signed by an authorized representative of the committee. At least one copy of each exemption certificate issued shall be retained in the committee records. Each such certificate shall contain the name and address of the recipient, the location of all potatoes authorized to be shipped thereunder, the quantity (by varieties, grade, size, and quality) of potatoes which will be permitted in the exempted shipments, and such other information as may be deemed necessary by the committee to provide the committee, the recipient, or both, with adequate and specific information regarding such exempted potatoes.

(d) *Disposition of certificates and reports.* (1) Each lot of potatoes handled under an exemption certificate shall be accompanied by such certificate or by such appropriate identifying information with respect to such certificate as the committee may require to facilitate the administration of regulatory provisions applicable thereto.

(2) Handlers of potatoes exempted from regulation under exemption certificates shall, at such time as may be specified in such certificates, report thereon to the committee the names and addresses of persons to whom such potatoes were shipped, the quantity shipped, the grades, sizes, and qualities (by varieties) of potatoes so shipped, the inspection certificates issued with respect thereto, the dates of such shipments, and such other information as may be requested by the committee in order to administer the regulatory provisions applicable thereto.

(e) *Appeals.* If any applicant is dissatisfied with the determination of the committee regarding an application for an exemption certificate, or any duly issued exemption certificate, an appeal by such applicant may be taken to the committee in accordance with § 920.72.

§ 920.104 *Safeguards for special purpose shipments*—(a) *Application for Certificates of Privilege.* (1) All handlers desiring to make shipments of potatoes for the following purposes shall, prior thereto, apply to the committee for and obtain a Certificate or Certificates of Privilege permitting such shipments:

(i) Seed;

(ii) Export;

(iii) Livestock feed, except dyed potatoes distributed for livestock feed by the Federal Government; and

(iv) Manufacture or conversion into potato chips or potato salad.

(2) Applications for Certificates of Privilege shall be made on forms furnished by the committee. Each application shall contain the name and address of the handler, and such other information as the committee may require, such as, but not limited to, the

quantities and varieties of potatoes to be shipped, the grades, sizes, and quality to be shipped, the mode of transportation, name of consignee, destination, and other appropriate information or documents necessary to safeguard against the entry of such potatoes into trade channels other than those for which the Certificate or Certificates are granted.

(b) *Issuance.* The committee, or its duly authorized agents, shall give prompt consideration to each application for a Certificate of Privilege and, pursuant to applicable provisions of the order, shall determine whether the application is approved. Approval of an application shall be evidenced by the issuance of a Certificate of Privilege authorizing the applicant named therein to ship potatoes for a specified purpose for a specific period of time.

(c) *Reports.* Each handler shipping potatoes under and pursuant to a Certificate of Privilege shall, 24 hours after each such shipment is made, supply the committee with a report thereon (except shipments of less than 10,000 pounds which shall be reported within 7 days after such shipment), showing the name and address of the shipper, car or truck license number, Federal-State Inspection Certificate number, loading point, destination, and consignee.

(d) *Denial and appeals.* The committee may rescind a Certificate or Certificates of Privilege, issued to a handler pursuant to this section, or deny Certificates of Privilege to a handler, upon proof, satisfactory to the committee, that such handler has shipped potatoes contrary to the provisions of this section. Such committee action denying a Certificate or Certificates of Privilege shall apply to and not exceed a reasonable period of time as determined by the committee. Any handler who has been denied a Certificate of Privilege, or who has had a Certificate of Privilege rescinded, may appeal to the committee for reconsideration. Such appeal shall be in writing.

Done at Washington, D. C., this 23d day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3792; Filed, Mar. 27, 1951; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Regs., Serial No. ER-160]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 16th day of March 1951.

Section 401 (f) of the Civil Aeronautics Act authorizes the Board to regulate the performance of charter trips or other special services by certificated air carriers. Up to the present time we have issued no regulation covering the performance of charter trips and special services by certificated air carriers except in the case of Alaskan air carriers and except, during the period of the war, for a regulation prohibiting such services without the permission of the appropriate military authorities. Developments during the past three years, particularly in the field of foreign and overseas air transportation, have made it increasingly apparent that some measure of control should be exercised in this field. Accordingly, the Board is establishing herein the general framework under which charter trips and special services may be encouraged and wasteful competitive practices therein curtailed, so as to fulfill the basic policy of the act as set forth in section 2 thereof.

Since this new part relates only to charter trips and special services in air transportation performed by certificated air carriers, it will not apply to the activities of the noncertificated irregular carriers, to bona fide non-common carrier operations, nor to other services not in air transportation, such as local sightseeing flights wholly within the boundaries of a single state, territory or possession.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends the Economic Regulations (14 CFR Chapter I) effective May 1, 1951,

(1) By adding thereto a new part 207, to read as follows:

Sec.
207.1 Definitions.
207.2 Applicability of part.
207.3 Scope of authorization.
207.4 Tariffs to be filed for charter trips and special services.
207.5 Limitation on amount of charter and other special services which may be performed.
207.6 Charter trips and other special services within the Territory of Alaska.
207.7 Charter trips and other special services to or from points served by another carrier.
207.8 Charter trips and other special services in overseas and foreign air transportation over routes of another carrier.
207.9 Notice of proposed special services.
207.10 Part-way carriage of through traffic subject to § 207.7.
207.11 Temporary authorization for National Defense transportation.

AUTHORITY: §§ 207.1 to 207.11 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 401, 403, 52 Stat. 987, 992; 49 U. S. C. 481, 483.

§ 207.1 *Definitions.* As used in this part, unless the context otherwise requires:

(a) "Charter trip" means air transportation performed by an air carrier holding a certificate of public convenience and necessity where the entire capacity of one or more aircraft has been engaged for the movement of persons and their baggage or for the movement of property, on a time, mileage or trip basis

(1) By a person for his own use,

(2) By a person (no part of whose business is the formation of groups for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons as agent or representative of such group,

(3) By two or more persons acting jointly for the transportation of such group of persons, or their property,

(4) By an air freight forwarder holding a currently effective letter of registration issued under Part 296 or Part 297 of this subchapter for the carriage of property in air transportation.

Within the meaning of this part, a charter trip shall not be deemed to include transportation services offered by an air carrier to individual members of the general public or performed by an air carrier under an arrangement with a person (other than an air freight forwarder defined in subparagraph (4) of this paragraph who provides or offers to provide transportation to the general public or transportation services engaged by persons paying for such services an amount aggregating in excess of the transporting carrier's duly published charter rate or fare.

(b) "Point" means any airport or place where an aircraft may be landed or taken off, including the area within a 50-mile radius of such airport or place.

(c) "Special services" are all services rendered in air transportation which are authorized by section 401 (f) of the act by an air carrier holding a certificate of public convenience and necessity other than (1) services rendered in air transportation over the route or routes designated in its certificate(s), (2) charter services as defined in this section, and (3) services authorized by special exemption under section 416 (b) of the act.

§ 207.2 *Applicability of part.* This part shall apply to all air carriers (other than Alaskan air carriers) who hold currently effective certificates of public convenience and necessity issued by the Board pursuant to section 401 of the act.

§ 207.3 *Scope of authorization.* Charter trips and other special services may be performed by air carriers, subject, however, to the limitations and regulations set forth in the part. Apart from such trips and services, an air carrier shall not perform any air transportation except in conformity with its certificate of public convenience and necessity or with a special or general exemption issued by the Board.

§ 207.4 *Tariffs to be filed for charter trips and special services.* No air carrier shall perform any charter trips or other special services unless such air carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for such charter trips and other special services, and showing the rules, regulations, practices, and services in connection with such transportation.

§ 207.5 *Limitation on amount of charter and other special services which may be performed.* An air carrier shall not during any calendar quarter perform charter trips or other special services (not counting charter trips or other special services performed between points designated to receive service by such carrier in its certificate of public convenience and necessity) which in the

aggregate, on a revenue plane-mile basis, exceeds 2½ percent of the revenue plane-miles flown by it in scheduled air transportation during the preceding 12-month period.

§ 207.6 *Charter trips and other special services within the Territory of Alaska.* An air carrier shall not perform any charter trip or other special service in interstate air commerce within the Territory of Alaska.

§ 207.7 *Charter trips and other special services to or from points served by another carrier.* (a) No air carrier may perform charter trips or other special services between any pair of points (except where the carrier is authorized, or could be authorized, pursuant to the terms of its certificate of public convenience and necessity, to serve such points on a nonstop basis) which another carrier is authorized, or could be authorized, pursuant to the terms of its certificate of public convenience and necessity, to serve on a nonstop basis:

(1) In excess of a total of eight (8) flights in the same direction during any period of four successive calendar weeks,

(2) In the same direction on the same day of two or more successive calendar weeks,

(3) In excess of a total of three (3) flights between such points in the same direction during any period of two successive calendar weeks unless such period is followed by a break of at least one calendar week during which no flights are operated between such points,

(4) Which are so arranged as to result in the observance of breaks required by subparagraph (3) of this paragraph at regularly recurring intervals, or

(5) Which are so arranged as to result in any uniform pattern or normal consistency of operations between such points.

(b) The holder of a certificate of public convenience and necessity for local feeder service shall in addition be subject to the limitations set forth in paragraph (a) of this section with respect to charter trips and other special services between the terminal points of any segment of such carrier's route.

§ 207.8 *Charter trips and other special services in overseas and foreign air transportation over routes of another carrier.* An air carrier shall not perform any charter trip or other special service in overseas or foreign air transportation between points or areas between which another air carrier has been authorized to engage in air transportation by the Board through one or more certificates of public convenience and necessity (i) unless such carrier could be authorized, pursuant to the terms of its certificate of public convenience and necessity, to serve such points or areas on a nonstop basis, or (ii) pursuant to the provisions of either paragraphs (a) or (b) of this section.

(a) Such charter trip or other special service may be performed if the consent in writing therefor of such other carrier or carriers designated to offer service between the points involved has been obtained and such consent has been filed with or mailed to the Board in a properly addressed envelope with postage thereon prepaid, or

(b) Where specific authority to conduct the charter trip or special service has been granted by the Board upon a finding that the public interest so requires.

§ 207.9 *Notice of proposed special services.* No air carrier shall perform any special service in interstate, overseas or foreign air transportation unless at the time of filing of a tariff applicable to such special service or at the time of filing of an application for a special tariff permission, such air carrier shall have submitted to the Board a statement setting forth a full description of the proposed service and shall have mailed copies thereof to the air carriers authorized by certificates of public convenience and necessity to render service to any point designated to receive the proposed special service. The proposed special service shall not be inaugurated if prior to the effective date of the tariff applicable to such special service, or at the time of action on the application for special tariff permission, the Board shall have notified such air carrier that the performance of such special service does not appear to be consistent with the public interest.

§ 207.10 *Part-way carriage of through traffic subject to § 207.7.* With the exception of carriage performed wholly within the United States, a charter trip or special service shall be governed by the provisions of § 207.8, if either the place of origin or destination of the journey of the persons or property carried is a point or area outside the United States designated to receive service in a certificate of public convenience and necessity issued to another air carrier.

§ 207.11 *Temporary authorization for National Defense transportation.* For a period not to exceed six months after the effective date of this part, unless extended by order or orders of the Board, the limitations of §§ 207.5 to 207.10, inclusive, shall not apply to or in respect of charter trips performed pursuant to contracts with any department of the Military Establishment.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-3782; Filed, Mar. 27, 1951; 8:49 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 2]

PART 570—WASHINGTON NATIONAL AIRPORT

GAMBLING AND DRUGS

Under section 2 of an act to provide for the administration of Washington National Airport, the Administrator of Civil Aeronautics Administration has control over, and responsibility for, the care, operation, maintenance, and protection of the Airport, together with the power to make and amend such rules and regulations as he may deem necessary to the proper exercise thereof.

Acting pursuant to the foregoing authority, rules of Washington National Airport were prescribed. Those rules are amended as follows:

1. Section 570.72 is revised to read:

§ 570.72 *Gambling.* (a) It shall be unlawful for any person or association of persons to play, participate in, engage in, conduct, promote, operate, manage, or draw on the Airport a lottery, raffle, numbers game, policy lottery, policy shop, any kind of gaming table, or gambling device adapted, devised, or designed for the purpose of playing any game of chance for money or property.

(b) No person shall buy, sell, or transfer, or aid in selling, exchanging, negotiating, or transferring on the Airport a chance, ticket, certificate, writing, bill, or token, or other device purporting or intended to assure any person of an interest in any lottery, raffle, numbers game, or game of chance.

(c) The possession of any chance ticket, certificate, writing, bill, token, or other device purporting or intended to assure any person of an interest in any lottery, raffle, numbers game, or other game of chance shall be prima facie evidence of operating, promoting, aiding in the promotion of, or playing such lottery, raffle, numbers game, or other game of chance.

2. Section 570.92 is added to read:

§ 570.92 *Drugs.* No person other than a physician or pharmacist licensed to practice his profession in one of the states of the United States or a territory, or a possession of the United States, or the District of Columbia, shall within the boundaries of the Airport prescribe, dispense, sell, give away, offer to sell, or administer any dangerous drugs, or have such drugs in his possession, with intent to sell, give away, or administer them. The words "dangerous drugs" as used herein shall mean opium, coca leaves, cocaine, isonipecaine, opiate, or any compound, manufacture, salt, derivative, or preparation thereof; diethyl barbituric acid (barbital), or any compound, preparation, mixture, or solution thereof; sulfanilamide or its derivatives, sulfathiozole, sulfapyridine, sulfadiazine, or sulfaguanidine.

(Sec. 2, 54 Stat. 688; 2 D. C. Code 1602)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] DONALD W. NYROP,
Administrator of Civil Aeronautics.

[F. R. Doc. 51-3756; Filed, Mar. 27, 1951; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 51 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 374—PROJECT LICENSES

PART 384—GENERAL ORDERS

MISCELLANEOUS AMENDMENTS

1. Part 373 is amended by adding thereto a new § 373.20 to read as follows:

§ 373.20 *Special provisions for military wearing apparel*—(a) *Application requirements.* (1) All applications for licenses to export military wearing apparel, new and used, Schedule B No. 999930, must contain a statement fully describing the apparel covered by the application, including the type of apparel, color, and material.

(2) If the wearing apparel has been dyed, the statement must so indicate and specify the color in which the apparel has been dyed. If otherwise altered, the exact nature of the alterations also must be described.

(b) *End use.* In general, applications covering U. S. Army and Marine Corps outer wearing apparel, for males, (excluding boots and shoes) which has not been dyed or otherwise altered will be considered only where exportation is to be made to a foreign government for use by or under the direction of an agency thereof. Applications covering other types of U. S. military wearing apparel will be considered even though not limited to such use.

2. Part 373 is amended by adding thereto a new § 373.21 to read as follows:

§ 373.21 *Special provisions for commodities containing cobalt.* All applications for licenses to export the following cobalt-containing products shall include (in addition to the total net weight of the commodity) the weight in pounds of the cobalt contained in the commodity. This information shall be entered under Item 9 (b) of Form IT-419.

Commodity:	Schedule B No.
Cobalt reagents	814500
Cobalt compounds, all	839900
Cobalt-containing pigments	842900
Cobalt-containing paint and varnish driers	843600

3. Section 374.51 *Supplement 1: list of restricted commodities* is amended by adding thereto the following commodities:

Positive List Commodities	*Effective date*
Coke, except petroleum coke, Schedule B No. 500400	Apr. 1, 1951

[1] This amendment was published in Current Export Bulletin No. 613 dated March 22, 1951.

4. Section 384.5 *Order revoking certain general licenses to mainland of China (including Manchuria), Hong Kong and Macao* is amended in the following particulars:

The last paragraph is amended to read as follows:

Shipments of perishable food products, not including frozen food products, ultimately destined to Hong Kong and Macao may continue to be made under General License GRO up to 12:01 a. m., eastern standard time, January 2, 1951, except that such general license shipments of fresh fruits and vegetables may be made through May 31, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of March 22, 1951.

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-3780; Filed, Mar. 27, 1951; 8:50 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 42 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Cotton manufactures, n. e. s.:				
319600	Used cotton		TEXT	250	RO
319900	Used or reclaimed linters		TEXT	100	RO
322402 322403	Jute bags or sacks, new	Lb No.	TEXT	50	RO
322407 322408	Jute bags or sacks, used or reclaimed	Lb No.	TEXT	50	RO
322905	Jute burlaps, except when used as a covering for other merchandise or as a component part of other products.	Lb	TEXT	50	RO
	Fabrics wholly or chiefly of wool:				
	Wool cloth or dress goods:				
364210 364220	Weighing not over 10 ounces per square yard	Lb Sq. yd.	TEXT	250	RO
364250 364260	Weighing over 10 ounces per square yard	Lb Sq. yd.	TEXT	250	RO
364900	Other wool fabrics (report mohair cloth in 364310 and 364320).	Lb	TEXT	250	RO
366300	Wool felts, except woven	Lb	TEXT	250	RO
366400	Wool felts, woven, for machines	Lb	TEXT	250	RO
366600 366601	Wool blankets	Lb No.	TEXT	250	RO
	Wool wearing apparel:				
367500	Knit bathing suits	Doz	TEXT	250	RO
367600	Knit sweaters for men, women, and children	Doz	TEXT	250	RO
367700	Wool knit goods, n. e. s. (men's, women's and children's included) (specify by name).		TEXT	250	RO
368005	Men's overcoats, suits, and pants	No.	TEXT	250	RO
368098	Boy's overcoats, suits, and pants	No.	TEXT	250	RO
368200	Women's and children's dresses and ensembles, except knit	No.	TEXT	250	RO
368300	Women's and children's apparel, except knit, n. e. s. (specify by name).		TEXT	250	RO
368950	Men's and boy's apparel, except knit, n. e. s. (specify by name).		TEXT	250	RO
368998	Wool or mohair manufactures, n. e. s. (specify by name)		TEXT	250	RO
369900	Horsehair, bleached; horsehair haircloth; horsehair ribbons		TEXT	100	RO
	Logs, bolts, and hewn timber:				
400905	Teak	M bd. ft.	LUMB	100	RO
	Rags for paper stock:				
469000	New cotton cuttings, valued $100 or over per ton	S. ton	TEXT	100	RO
	Industrial machinery and parts, n. e. s.:				
775098	Vacuum coating units for optical lenses		GIEQ	None	RO

2. The entries on the Positive List for sisal fiber, Schedule B No. 320519; sisal twine, cord, and cordage (including baler twine), Schedule B No. 341909; and manila and sisal yarns, Schedule B No. 349909, are revised to read as shown below. These revisions include changes in validated license control.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Vegetable fibers, unmanufactured:				
320519	Sisal or henequen [1]	S. ton	TEXT 1	25	RO
	Cordage, except of cotton or jute:				
341909	Sisal, henequen, or other hard-fiber cordage and twine (except binder twine) and cord (report binder twine in 341100). [2]	Lb	TEXT 1	25	RO
349909	Sisal, henequen, or other hard-fiber yarns [3]	Lb	TEXT	100	RO

[1] The effect of this amendment is to add to the Positive List, subject to RO control, henequen fiber, unmanufactured.
[2] The effect of this amendment is to add to the Positive List, subject to RO control, henequen and other hard-fiber yarns except sisal yarn. Sisal yarn is already on the Positive List as an RO commodity.
[3] The above revised entry is substituted for the two present entries on the Positive List for Schedule B No. 349909. The effect of this amendment is (1) to broaden the coverage to include all commodities classified under this Schedule B number and (2) to reduce the GLV dollar value limit for sisal yarns from $250 to $100.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Parts 1 and 2 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., March 27, 1951, may be exported under the previous general license provisions up to and including April 21, 1951. Any such shipment not laden aboard the exporting carrier on or before April 21, 1951, requires a validated license for export. This saving clause is not applicable to any such shipments to Subgroup A destinations.

3. The Positive List contains, under Schedule B No. 709998, separate entries covering parts and accessories for "automatic" and for "manual" welding machines and sets.[1] The separate entries are combined as shown below, to eliminate therefrom the specific reference to automatic and manual without making substantive change.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	CLV dollar value limits	Validated license required
709998	Arc welding set parts		ELME 1	100	R
709998	Butt welding set parts		ELME 1	100	R
709998	Welding machine contacts		ELME 1	100	R
709998	Welding set brushes		ELME 1	100	R
709998	Welding set hoods		ELME 1	100	R
709998	Welding set rheostats		ELME 1	100	R

4. The entries on the Positive List for meter parts, indicating; milliammeter parts; and ohmmeter parts, Schedule B No. 709998, validated license control R, are deleted from the Positive List. These entries were retained through inadvertence, and their deletion does not change the licensing control.[2]

(Sec. 3, 63 Stat. 7, 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

Parts 1 and 2 of this amendment shall become effective as of March 27, 1951, 12:01 a. m., and Parts 3 and 4 thereof as of March 22, 1951.

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 51-3781; Filed, Mar. 27, 1951; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 1 (AGE-1)]

NSA 1 (AGE-1)—GENERAL AGENTS, AGENTS AND BERTH AGENTS

Whereas, by Department Order No. 117 (Amended), Amendment 1, effective date March 13, 1951, the Secretary of Commerce established the National Shipping Authority of the Maritime Administration, Department of Commerce, to assure the most effective utilization of the shipping of the United States; and

Whereas, the United States of America, acting by and through the Director, National Shipping Authority of the Maritime Administration, Department of Commerce, will from time to time appoint certain Agents, General and Berth Agents to manage and/or conduct the business of vessels assigned to such agents under forms of Service Agreements (TCA, GAA and BA), approved by the Director March 19, 1951, and

Whereas, the Director deems it appropriate to issue the following order concerning the handling of vessels assigned to Agents, General Agents and Berth Agents under Service Agreements; *Now, therefore, it is hereby ordered*, That:

Sec.
1. Definitions.
2. Service agreements.

AUTHORITY: Sections 1 and 2 issued under 49 Stat. 1987, as amended: 46 U. S. C. 1114. Interpret or apply 49 Stat. 2015, as amended, 60 Stat. 49; 46 U. S. C. 1242, 50 U. S. C. App. 1744.

SECTION 1. *Definitions*—(a) *General Agent.* A General Agent is any person, firm or corporation designated as such under a standard form of Service Agreement to manage and conduct the business of vessels of which the United States is owner or owner pro hac vice.

(b) *Agent.* An Agent is any person, firm or corporation designated as such under a standard form of Service Agreement to conduct the business of vessels of which the United States is time charterer.

(c) *Berth Agent.* A Berth Agent is any person, firm or corporation designated as such under a standard form of Service Agreement to conduct the business of vessels (which have been assigned to an Agent or General Agent) in a specific service or trade.

(d) *Sub-Agent.* A Sub-Agent is any person, firm or corporation who is appointed by a General Agent, Agent or Berth Agent to perform any of the functions of a General Agent, Agent or Berth Agent.

SEC. 2. *Service agreements.* (a) The standard forms of Service Agreements to be entered into by the United States of America, acting by and through the Director, National Shipping Authority of the Maritime Administration, Department of Commerce, with shipping companies, appointing them as Agents and Berth Agents, will be issued at a later date with a supplement to this order.

(b) Service Agreements entered into between the United States of America, acting by and through the Director, National Shipping Authority of the Maritime Administration, Department of Commerce, with shipping companies, appointing them as General Agents to manage and conduct the business of vessels of which the United States is owner or owner pro hac vice and assigned to the General Agent by the United States from time to time, shall be as follows:

SERVICE AGREEMENT FOR VESSELS OF WHICH THE UNITED STATES, REPRESENTED BY THE MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE, IS OWNER OR OWNER PRO HAC VICE

This agreement, made as of _____, 1951, between the United States of America (herein called the "United States") acting by and through the Director, National Shipping Authority of the Maritime Administration, Department of Commerce, and _____, a corporation organized and existing under the laws of _____ (herein called the "General Agent");

Witnesseth:

That in consideration of the reciprocal undertakings and promises of the parties herein expressed:

ARTICLE 1. *Appointment of general agent.* The United States appoints the General Agent as its agent and not as an independent contractor, to manage and conduct the business of vessels assigned to it by the United States from time to time and accepted by the General Agent.

ARTICLE 2. *Acceptance of appointment.* The General Agent accepts the appointment and undertakes and promises so to manage and conduct the business for the United States, in accordance with such directions, orders or regulations not inconsistent with this Agreement as the United States has prescribed, or from time to time may prescribe, and upon the terms and conditions herein provided, of such vessels as have been or may be by the United States assigned to and accepted by the General Agent for that purpose.

ARTICLE 3. *Duties of the General Agent.* For the account of the United States, in accordance with such directions, orders, regulations, forms and methods of supervision and inspection as the United States may from time to time prescribe (or in the absence of such directions, orders, regulations, forms and methods of supervision and inspection, in accordance with reasonable commercial practices and/or the use of customary commercial forms), in an economical and efficient manner, and exercising due diligence to protect and safeguard the interests of the United States in connection with the duties prescribed in this Agreement and without prejudice to its rights under Article 6 hereof, the General Agent (solely as agent of the United States and not in any other capacity) shall:

(a) Conduct the business of the vessels including, but not limited to all matters with respect to voyages, cargoes, mail, passengers, persons to be carried, charters, rates of freight and charges; and procure or provide all services incident thereto including, but not limited to, stevedoring and other cargo handling, port activities, wharfage and dockage, pilotages, canal transits and services of sub-agents, brokers and consulates.

(b) Collect, deposit, remit, disburse and account for all monies due the United States arising in connection with activities under or pursuant to this Agreement, and to the

[1] For example, the Positive List contains two entries under this Schedule B number as follows: Arc welding set parts, automatic; arc welding set parts, manual.

[2] Since March 13, 1951 (see Current Export Bulletin No. 611), these commodities have been covered by the Positive List entry for indicating instrument parts, Schedule B No. 709998, validated license control RO, and prior thereto were covered by the entry for electrical indicating instruments and parts, Schedule B No. 703620, validated license control RO.

extent disbursements made by the General Agent pursuant to this Agreement are recoverable from insurance, the General Agent shall take such steps as may be appropriate to effect such recovery for the account of the United States.

(c) Equip, victual, supply and arrange for the repair of the vessels covering hull, machinery, boilers, tackle, apparel, furniture, equipment and spare parts, and including maintenance and voyage repairs and replacements, as may be necessary to maintain the vessels in an efficient state of repair and condition; and cooperate with representatives of the United States in making any inspections or investigations that the United States may deem desirable.

(d) Procure the Master of the vessels operated hereunder, subject to the approval of the United States. The Master shall be an agent and employee of the United States, and shall have and exercise full control, responsibility and authority with respect to the manning, navigation and management of the vessel. The General Agent shall procure and make available to the Master for engagement by him the officers and men required by him to fill the complement of the vessel. Such officers and men shall be procured by the General Agent through the usual channels and in accordance with the customary practices of commercial operators and upon the terms and conditions of the General Agent's collective bargaining agreements, if any. The officers and members of the crew shall be subject only to the orders of the Master. All such persons shall be paid in the customary manner with funds provided by the United States hereunder.

(e) Issue or cause to be issued to passengers customary passenger tickets and to shippers customary shipping documents, freight contracts and bills of lading. All bills of lading shall be issued by the General Agent or its agents as agent for the Master and the signature clause may provide substantially that the General Agent makes no warranty or representation as to the authority of the United States or the Master to enter into the agreement, and that the General Agent assumes no liability with respect to the goods described therein or the transportation thereof.

(f) Furnish and maintain during the period that any vessel is assigned and accepted by the General Agent under this Agreement, at its own expense, a bond with sufficient surety in such amount as the United States shall determine such bond to be approved by the United States as to both sufficiency of surety or sureties and form, and to be conditioned upon the due and faithful performance of all and singular the covenants and agreements of the General Agent contained in this Agreement, including without limitation of the foregoing the condition faithfully to account to the United States for all funds collected and disbursed and funds and property received by the General Agent or its sub-agent. The General agent may, in lieu of furnishing such bond, pledge direct or fully guaranteed obligations of the United States of the cash value of the penalty of the bond under an agreement satisfactory in form to the United States.

No monies or slop chest property of the United States shall be advanced or entrusted by the General Agent to a Master, purser or any other member of the ship's personnel unless such person is under a bond indemnifying the United States against loss of such monies or property caused solely or in part by the dishonesty or lack of care of any such person in the performance of the duties of any position covered by the bond.

(g) (1) Keep books, records, and accounts (which shall be the property of the United States) relating to the activities, maintenance and business of the vessels covered by this agreement in such form and under such regulations as may be prescribed by the United States; and (2) file, upon notice from the United States, balance sheets, profit and loss statements, and such other statements of activities, special reports, memoranda of any facts and transactions, which, in the opinion of the United States, affects the results, or the performance of transactions or activities, under this Agreement, and, whenever the General Agent employs any related, affiliated or holding company of the General Agent to render any services or to furnish any stores, supplies, equipment, provisions, materials or facilities which are for the account of the United States under the terms of this Agreement, the General Agent shall also, as a condition to such employment, obtain from such related or affiliated or holding company its agreement to comply with the requirements aforesaid and to make available to the United States for examination and audit its books, records and accounts, to the extent that such services affect the results, or the performance of transactions or activities, under this Agreement.

(h) Select its sub-agents, but any subagency agreement shall be terminated by the General Agent whenever the United States shall so direct.

In the event that any vessel assigned to the General Agent under this Agreement is allocated by the United States for use

(1) In a service in which another operator (a United States citizen) maintained a berth operation with privately owned United States flag vessels on June 25, 1950, and is recognized by the United States as a regular berth operator in such service, or

(2) In a trade, not served with privately owned United States flag vessels on June 25, 1950, or not served on the date of such allocation by a United States citizen who is deemed by the United States qualified to conduct an efficient berth operation, where the United States deems another operator to be qualified as an operator in such trade,

such regular or other operator, as the case may be, may be designated by the United States as the Berth Agent of the United States to conduct such of the business of the vessel in such service or trade as the United States may require.

During any period while any such vessel is assigned to a Berth Agent, the General Agent shall be under no obligation to perform with respect to such vessel duties which are imposed upon the Berth Agent under the terms of the Berth Agency Agreement prescribed by the United States.

(i) Upon termination of this Agreement, turn over to the United States at times and places to be fixed by the United States, all vessels and other property of whatsoever kind then in the custody of the General Agent pursuant to this Agreement, and upon such action the United States may collect directly, or by such agent or agents as it may appoint, all freight monies or other debts remaining unpaid, provided that the General Agent shall, if required by the United States, adjust, settle and liquidate the business of the vessels assigned hereunder.

ARTICLE 4. *Compensation.* At least once a month the United States shall pay to the General Agent compensation for the General Agent's services hereunder, and, after redelivery of the vessels assigned hereunder, shall also pay to the General Agent compensation for services required thereafter. All such compensation shall be in such fair and reasonable amount as the United States shall from time to time determine by General Order. Such compensation shall be deemed to cover, but without limitation, the General Agent's administrative and general expense (as presently itemized in General Order No. 22 of the Maritime Administration), advertising expense, taxes (other than taxes for which the General Agent is credited under Article 5 hereof), and any other expenses which are not directly applicable to the activities, maintenance and business of the vessels assigned hereunder.

ARTICLE 5. *Disbursements.* The United States shall advance funds to the General Agent to provide for, and the General Agent shall receive credit for, all expenditures of every kind made by it in performing, procuring or supplying the services, facilities, stores, supplies or equipment as required hereunder, excepting general and administrative expenses (as presently itemized in General Order No. 22 of the Maritime Administration) advertising expense, taxes and any other expenses which are not directly applicable to the activities, maintenance and business of the vessels assigned hereunder, provided that the General Agent shall receive credit for sales and similar taxes or foreign taxes of any kind to the extent classifiable as voyage expense under said General Order 22, if the General Agent shall have used due diligence to secure immunity from such taxation. The United States shall also advance funds to the General Agent to provide for, and the General Agent shall receive credit for, all crew expenditures accruing during the term hereof in connection with the vessels assigned hereunder, including, without limitation, expenditures on account of wages, extra compensation, overtime bonuses, penalties, subsistence, repatriation, internment, travel, loss of personal effects, maintenance and cure, vacation allowances, damages or compensation for death or personal injury or illness, insurance premiums, Social Security taxes, State unemployment insurance taxes and contributions made by the General Agent to a pension or welfare fund with respect to the period of this Agreement and in accordance with a pension or welfare plan in effect on the effective date of this Agreement or which, pursuant to collective bargaining agreements, may become effective during the period of this Agreement with respect to the officers and members of the crew of said vessels who are or may become entitled to benefits under such plan, or any other payment required by law.

The United States may deny credit to the General Agent in whole or in part, as the United States may deem appropriate, for payment of expenses which are found to have been made in wilful contravention of any outstanding instructions or which are found to have been clearly improvident or excessive.

Any monies or slop chest property of the United States advanced or entrusted to bonded persons by the General Agent which are lost by reason of a casualty to the vessel on which the money so advanced or slop chest property so entrusted is carried shall in the event of such loss be considered an expenditure of the General Agent and credit shall be allowed to the General Agent in accordance with this Article 5.

ARTICLE 6. *Insurance and indemnification.* (a) The United States shall, without cost or expense to the General Agent, procure or provide insurance without deductibles, franchises or average warranties against all insurable risks of whatsoever nature or kind relating to the vessels assigned hereunder including, but without limitation, marine, war and P & I risks, sabotage and all other risks or liabilities for breach of statute and for damage caused to other vessels, persons or property.

The General Agent shall furnish reports and information and comply fully with all instructions that may be issued with regard to all salvage claims, damages, losses or other claims. Marine and war risk insurance with respect to each vessel assigned hereunder against protection and indemnity, general average, salvage and collision liabilities shall be without limit, as between the United States and the General Agent, as to the amount of any claim or the aggregate of any claims thereunder. The United States at its election may assume all or any of the

foregoing risks or may write all or any such insurance in its own fund, pursuant to a duly executed policy or policies.

Neither the United States not the insurance underwriters shall have any right of subrogation against the General Agent with respect to any of the foregoing risks. All insurance hereunder shall cover both the United States and the General Agent, when acting hereunder or as sub-agent of another General Agent of the United States with respect to vessels assigned by the United States to such other General Agent.

(b) To the extent not covered by insurance or assumed by the United States, as required by this Article 6, the United States shall indemnify, and hold harmless and defend the General Agent against any and all claims and demands (including costs and reasonable attorneys' fees in defending such claim or demand, whether or not the claim or demand be found to be valid) of whatsoever kind or nature whether or not such claim or damage is caused by the negligence of the General Agent or the vessel, and by whomsoever asserted, for injury to persons or property arising out of or in any way connected with the activities, maintenance or business of said vessels or the performance by the General Agent of any of its obligations hereunder, including, but not limited to, any and all claims and demands by passengers, troops, gun crews, crew members, shippers, third persons, or other vessels and including but not limited to claims for damages for injury to or loss of property, cargo or personal effects, claims for damages for personal injury or loss of life, and claims for maintenance and cure.

(c) In view of the extraordinary wartime or emergency conditions under which vessels will be operated hereunder, the General Agent shall be under no responsibility or liability to the United States for loss or damage to the vessels assigned hereunder arising out of any error of judgment or any negligence on the part of any of the General Agent's officers, agents, employees, or otherwise. If, however, such loss or damage is directly and primarily caused by wilful misconduct of principal supervisory shoreside personnel or by gross negligence of the General Agent in the procurement of licensed officers or in the selection of principal supervisory shoreside personnel, the General Agent shall be held liable for such loss or damage unless it is required by this Article 6 to be covered by insurance or assumed by the United States. The liability of the General Agent under this paragraph (c) for any such loss or damage shall in no event exceed the sum of $500,000 in respect of any one vessel.

(d) The General Agent shall be under no liability to the United States of any kind or nature whatsoever in the event that the General Agent should fail to obtain officers or crews for the vessels assigned hereunder, or fail to arrange for the fitting out, refitting, maintenance or repair of said vessels, or fail to perform any other service hereunder by reason of any labor shortage, dispute or difficulty, or any strike or lockout or any shortage of material or any act of God or peril of the sea or any other cause beyond the control of the General Agent whether or not of the same or similar nature, or should do or fail to do any act in reliance upon instructions of military or naval authorities.

(e) Whenever the General Agent is performing any services of the nature set forth in this Agreement as sub-Agent for another General Agent of the United States with respect to vessels assigned by the United States to such other General Agent, the provision of this Article 6 shall cover such sub-agency services.

ARTICLE 7. *General average.* In the event of general average involving vessels assigned to the General Agent under this Agreement, the General Agent shall comply fully with all instructions issued by the United States in that connection including instructions as to the appointment of adjuster, obtaining general average security and asserting liens for that purpose unless otherwise instructed, and supplying the adjuster with all disbursements, accounts, documents and data required in the adjustment, statement and settlement of the general average. Reasonable compensation for and general average allowances to the General Agent in such cases shall be fixed by the adjuster, subject to approval by the United States and paid to and retained by the General Agent.

ARTICLE 8. *Salvage.* Salvage claim for services rendered to vessels other than vessels owned or controlled by the United States shall be handled by, and be under the control of, the United States. Salvage awards for services rendered to other vessels owned or controlled by the United States including the vessels hereunder shall be made by the United States. The General Agent shall furnish the United States with full reports and information on all salvage services rendered.

ARTICLE 9. *Related services.* (a) Agreements or arrangements with any interested or related company to render any service or to furnish any stores, supplies, equipment, materials, repairs, or facilities hereunder shall be submitted to the United States for approval. Unless and until such agreements or arrangements have been approved by the United States, compensation paid to any interested or related company shall be subject to review and readjustment by the United States. In connection with such review and readjustment, the United States may deny credit hereunder of any portion of such compensation which it deems to be in excess of fair and reasonable compensation. The United States may also deny credit, in whole or in part, of compensation under any arrangement or agreement with an interested or related company which it deems to be exorbitant, extortionate or fraudulent. The term "interested company" shall mean any person, firm or corporation in which the General Agent, or any related company of the General Agent, or any officer or director of the General Agent or any employee of the General Agent who is charged with executive or supervisory duties, or any member of the immediate family of any such officer, director or employee, or any officer or director of any related company of the General Agent or any member of the immediate family of an officer or director of any related company of the General Agent, owns any substantial pecuniary interest directly or indirectly. The term "related company", used to indicate a relationship with the General Agent for the purposes of this Article only, shall include any person or concern that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the General Agent. The term "control" (including the terms "controlled by" and "under common control with") as used herein means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of the General Agent (or related company), whether through ownership of voting securities, by contract or otherwise.

(b) The United States shall, when it may legally do so, have the advantage of any existing or future contracts of the General Agent for the purchase or rental of materials, fuel, supplies, facilities, services or equipment, if this may be done without unreasonably interfering with the requirements of other vessels owned or operated by the General Agent provided that any financial loss or disadvantage to the General Agent shall be compensated for in such amount as may be determined by the United States.

(c) Notwithstanding any other provision of this Agreement, the United States, by separate agreement, may contract with the General Agent to perform stevedoring, terminal, ship repair or similar services for the vessels assigned hereunder, in which event the General Agent shall have the rights, benefits and the obligations and reponsibilities provided in such agreement.

ARTICLE 10. *Delegation of authority.* Wherever and whenever herein any right, power or authority is granted or given to the United States, such right, power or authority may be exercised in all cases by the National Shipping Authority or such agent or agents as the United States may appoint, and the act or acts of such agent or agents when taken, shall constitute the act of the United States hereunder. In performing its services hereunder, the General Agent may rely upon the instructions and directions of the Director, National Shipping Authority, his officers and responsible employees, or any person or agency authorized by him. Wherever practicable, instructions and directions to the General Agent shall be in writing and oral instructions or directions given shall be confirmed promptly in writing. No directions, orders or regulations shall have retroactive effect without the written consent of the General Agent.

ARTICLE 11. *Warranty against contingent fees.* The General Agent warrants that it has not employed any person to solicit or secure this Agreement upon any agreement for a commission, percentage, brokerage or contingent fee. Breach of this warranty shall give the United States the right to annul this Agreement or in its discretion to deduct from any amount payable hereunder the amount of such commission, percentage, brokerage or contingent fee.

ARTICLE 12. *Nondiscrimination.* Neither the General Agent nor any subcontractor of the General Agent, in performing any act under this Agreement or any subcontract made hereunder, shall discriminate against any person on the ground of race, creed, color or national origin.

ARTICLE 13. *Members or delegates of Congress.* No person elected or appointed a member of or delegate to Congress or a Resident Commissioner, directly or indirectly, himself or by any other person in trust for him, or for his use or benefit, or on his account shall hold or enjoy this Agreement in whole or in part, except as provided in section 206, Title 18, U. S. C. The General Agent shall not employ any member of Congress, either with or without compensation, as an attorney, agent, officer or director.

ARTICLE 14. *Right of Comptroller General to examine books and records.* The Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any pertinent books, documents, papers and records of the General Agent or any of its subcontractors engaged in the performance of and involving transactions related to this Agreement or any subcontracts thereunder.

ARTICLE 15. *Termination.* (a) The United States shall have the right to terminate this Agreement at any time as to any or all vessels assigned to the General Agent and to assume control forthwith of any or all said vessels upon fifteen (15) days' written or telegraphic notice unless action is required at an earlier date to protect the interest of the United States.

(b) Upon giving to the United States thirty (30) days' written or telegraphic notice, the General Agent shall have the right to terminate this Agreement as to any or all vessels assigned to the General Agent, but unless otherwise agreed, termination by the General Agent shall not become effective as to any vessel until her arrival and discharge at a continental United States port.

(c) No such termination of this Agreement shall relieve either party of liability to the other in respect of matters arising prior to the date of such termination or of any obligation hereunder to indemnify the other party in respect of any claim or demand

thereafter asserted, arising out of any matter done or omitted prior to the date of such termination.

(d) This Agreement may be terminated, modified or amended at any time by mutual consent.

ARTICLE 16. *Duration of agreement.* This Agreement is effective as of the day and year of the first acceptance by the General Agent of any vessel assigned hereunder and shall extend until terminated as herein elsewhere provided.

ARTICLE 17. *Assignment or transfer.* Without the consent of the United States, the General Agent shall not sell, assign or transfer, either directly or indirectly, or through any reorganization, merger or consolidation, this Agreement or any interest therein, nor make any agreement or arrangement whereby the service to be performed hereunder is to be performed by any other person, whether an agent or otherwise, except as provided in Article 3 hereof.

ARTICLE 18. *Additional or substitute compensation and reimbursement.* The General Agent shall also be entitled to payment or credit for any service, loss, cost or expense, whether or not specifically provided for, or excepted herein, if, and to the extent that such payment or credit is found by the Director, National Shipping Authority, in his sole discretion, to be fair and equitable and in accordance with the basic principles or intent of this General Agency Agreement.

ARTICLE 19. *Headnotes.* The use of headnotes at the beginning of the articles of this Agreement is for the purpose of description only and shall not be construed as limiting or in any other manner affecting the substance of the articles themselves.

In witness whereof, the parties hereto have executed this Agreement in quadruplicate as of the day and year first above written.

UNITED STATES OF AMERICA,

By _____

Director, National Shipping Authority, Maritime Administration, Department of Commerce.

_____

By _____

[CORPORATE SEAL]

Attest:

_____,

Secretary.

Approved as to form:

_____,

General Counsel, Maritime Administration, Department of Commerce.

CHARLES H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 51-3808; Filed, Mar. 27, 1951; 8:20 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

Subchapter E—Fellowships, Internships, Training

PART 61—FELLOWSHIPS

PART 63—NATIONAL HEART INSTITUTE TRAINEESHIPS

MISCELLANEOUS AMENDMENTS

1. Section 61.12 is amended to read as follows:

§ 61.12 *Duration of fellowships.* Appointments to fellowships may be for varying periods, such as for a school year, but shall not exceed sixteen months. Upon the recommendations of a Fellowship Board, the Surgeon General may extend or renew an appointment.

2. Part 61 is amended by adding at the end thereof the following new section:

§ 61.13 *Termination of fellowships.* Upon the recommendation of a Fellowship Board, the Surgeon General may terminate an appointment before its expiration date on the request of the fellow, or because of unsatisfactory performance, unfitness, or inability to carry out the purposes of the fellowship. The Surgeon General may also terminate an appointment upon the recommendation of the Federal Security Agency Board of Inquiry on Employee Loyalty and upon its finding, made in accordance with the Agency's procedures adopted pursuant to Executive Order 9835, that reasonable grounds exist for the belief that the fellow, where a citizen of the United States, is disloyal to the Government of the United States or, where not such a citizen, has furnished a false statement or has failed to comply with any required assurances regarding his non-advocacy of, or his non-membership in any organization that advocates, the overthrow of such Government by force or violence. Such procedure shall include those for summary suspension pending a hearing and, with respect to regular fellows, a right of appeal to the Surgeon General in lieu of the appeal to the Federal Security Administrator but not the right of appeal to the Loyalty Review Board.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interpret or apply secs. 208, 301, 402, 58 Stat. 685, as amended, 691, as amended, 707, sec. 412, 62 Stat. 464; 42 U. S. C. 209, 241, 282, 287a)

3. Section 63.6 is amended to read as follows:

§ 63.6 *Duration of traineeship.* Traineeships shall extend for a period of one year unless otherwise specified by the Surgeon General in making the award. The Surgeon General may also extend or renew an award for a specific period upon application.

4. Part 63 is amended by adding at the end thereof the following new section:

§ 63.7 *Termination of traineeship.* The Surgeon General may terminate any traineeship prior to the date it would otherwise expire either on request of the trainee or because of unsatisfactory performance, unfitness or inability to carry out the purposes of the traineeship. The Surgeon General may also terminate a traineeship upon the recommendation of the Federal Security Agency Board of Inquiry on Employee Loyalty and upon its finding, made in accordance with the Agency's procedures adopted pursuant to Executive Order 9835, that reasonable grounds exist for the belief that the trainee, where a citizen of the United States, is disloyal to the Government of the United States or, where not such a citizen, has furnished a false statement or has failed to comply with any required assurances regarding his non-advocacy of, or his non-membership in any organization that advocates, the overthrow of such Government by force or violence. Such procedures shall include those for summary suspension pending a hearing and a right of appeal to the Surgeon General in lieu of the appeal to the Federal Security Administrator but shall not include the right of appeal to the Loyalty Review Board.

Effective date. The foregoing amendments shall be effective upon date of publication in the FEDERAL REGISTER.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interpret or apply secs. 208, 301, 402, 58 Stat. 685, as amended, 691, as amended, 707, sec. 412, 62 Stat. 464; 42 U. S. C. 209, 241, 282, 287a)

Dated: March 20, 1951.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: March 23, 1951.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 51-3784; Filed, Mar 27, 1951; 8:50 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Federal Security Agency

PART 103—SURVEYS AND STATE PLANS FOR SCHOOL CONSTRUCTION

DEFINITIONS

PURPOSES OF FEDERAL ASSISTANCE TO STATES

STATE APPLICATIONS

STATE REPORTS

SERVICES OF THE OFFICE OF EDUCATION

PAYMENTS TO STATES AND FUND ACCOUNTING

DENIAL OF APPLICATION, WITHHOLDING OF CERTIFICATION AND HEARINGS

AUTHORITY: §§ 103.1 to 103.63 issued under sec. 208, 64 Stat. 975; 20 U. S. C. 278. Interpret or apply secs. 101–105, 64 Stat. 967; 20 U. S. C. 251–255.

DEFINITIONS

§ 103.1 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in §§ 103.2 to 103.6.

§ 103.2 *Act.* "Act" means Pub. Law 815, 81st Cong. (secs. 101–210, 64 Stat. 967; 20 U. S. C. 251–255, 271–280).

§ 103.3 *Commissioner of Education and Commissioner.* The terms "Commissioner of Education" and "Commissioner" mean the United States Commissioner of Education.

§ 103.4 *School.* The term "school" means any elementary or secondary school which is tax-supported and publicly administered.

§ 103.5 *State.* The term "State" means a State, Alaska, Hawaii, Puerto Rico, the Virgin Islands, or the District of Columbia.

§ 103.6 *State educational agency.* The term "State educational agency" means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

PURPOSES OF FEDERAL ASSISTANCE TO STATES

§ 103.11 *Purposes of Title I grants.* Payments pursuant to Title I of the act are made in order to assist the several States to inventory existing school facilities, to survey the need for the construction of additional facilities in relation to the distribution of school population, to develop State plans for school construction programs, and to study the adequacy of State and local resources available to meet school facilities requirements.

STATE APPLICATIONS

§ 103.21 *Application as condition of payments; form of application.* No State shall be entitled to any part of its allotment pursuant to Title I of the act except upon application therefor filed with the Commissioner, upon forms prescribed by him and containing the information therein requested.

§ 103.22 *State educational agency as sole agency.* The application by a State shall designate the State educational agency as the sole agency for carrying out the purposes set forth in § 103.11. As sole agency, the State educational agency must be vested with complete and exclusive responsibility for organizing and conducting the inventory, survey and study, and for developing the plan referred to in § 103.11, as well as for certifying the results, conclusions, and recommendations concerning the same to the Commissioner.

§ 103.23 *Fund custodian.* The application by a State shall designate the State agency or official which will be custodian of Federal funds paid under Title I of the act and which will receive and provide for the proper custody of such funds subject to requisition or disbursement thereof by the State educational agency for carrying out the purposes set forth in § 103.11.

§ 103.24 *Certificate of law officer.* The application by a State shall contain the certificate of the chief State law officer which shall identify the State educational agency, indicate the legal basis for its authority to make and file application in behalf of the State for Federal funds under Title I of the act and to carry out the purposes of section 101 of the act, and indicate the legal basis for its designation as the sole agency for carrying out such purposes in accordance with the requirement of § 103.22. The said certificate also shall indicate the legal basis for the authority of the State agency or official designated pursuant to § 103.23 as custodian of Federal funds to receive and provide for the proper custody of such funds and the legal availability of such funds to the State educational agency as required by § 103.23.

§ 103.25 *State inventory, survey, study and plan.* The application by a State shall provide for making an inventory of existing school facilities, for surveying the need for the construction of additional facilities in relation to the distribution of school population, for making a study of the adequacy of State and local resources available to meet school facilities requirements, and for developing a State plan for a school construction program. The application also shall contain a plan in narrative or other form by the State prescribing the scope of and manner of conducting the inventory, survey and study, as well as proposals for the development of the State plan for a school construction program.

(a) *Inventory information.* The inventory of existing school facilities shall contain information as to such facilities by attendance centers and by local school administrative units, including (1) factual data on rooms, areas, capacity, and date and type of construction; (2) evaluation as to educational adequacy, safety, and permanency of each facility; and (3) factual data relative to pupil transportation.

(b) *Survey information.* The survey of the need for the construction of additional facilities shall contain information disclosing (1) the distribution of current and estimated future school population; (2) the extent to which no facilities or only partially complete facilities are available in relation to the distribution of current school population, the extent to which facilities are encumbered by overcrowding and half-day sessions or otherwise, and the extent to which additional facilities must be provided to accommodate estimated future school population; (3) the number of improvised, unsafe, and obsolete facilities in service and an estimate of the future useful lives of other existing facilities; (4) the number and nature of additional facilities required in connection with current and contemplated school district reorganization; and (5) such other factual data as may assist in determining the need for the construction of additional school facilities in order to house satisfactorily the current and estimated future school population of the State. The need for construction of additional facilities shall be determined only after the development and consideration of the factors relevant thereto extending over a future period of not less than ten years.

(c) *Information on available resources.* In order to carry out the purposes of § 103.11, the study to be made of the adequacy of State and local resources available to meet school facilities requirements shall contain information relating to (1) the extent to which local school administrative units have exercised their taxing and bonding authority for school construction; (2) State laws relative to financing capital outlay for schools; (3) the present patterns and amounts of State aid for school construction; and (4) the feasibility of making available increased resources for school construction through legislative or executive action, or both.

(d) *Development of State plan for construction.* A State plan for a school construction program shall be developed in accordance with the needs determined from the inventory and survey made by the State pursuant to Title I of the act, without regard to the adequacy of available resources to meet school facilities requirements, and shall show the relative need for each project included. The State shall indicate the extent to which the plan is expected to be accomplished, and the parts of such plan which may not be accomplished and the reasons therefor. The plan shall be specific with respect to the location, type, size, capacity and estimated cost of proposed individual construction projects, as well as with respect to their suitability as school centers for logical attendance areas.

§ 103.26 *Reports and verification.* The application by a State shall provide that the State educational agency will make such reports, in such form, and containing such information as the Commissioner may from time to time reasonably require, and, to assure verification of such reports, give the Commissioner, upon request, access to the records upon which such information is based.

§ 103.27 *State estimates and expenditures.* The application by a State shall include an estimate of the total expenditures in carrying out the purposes of § 103.11 in accordance with its application, as well as an estimate of the expenditures in carrying out the said purposes in accordance with its application during the period ending June 30 after the filing of such application.

§ 103.28 *Approval of applications.* The Commissioner shall approve any application for funds for carrying out the purposes set forth in § 103.11 if such application complies with the provisions of this part.

STATE REPORTS

§ 103.31 *Reports on State inventory, resources, plan and survey.* In addition to any reports required pursuant to § 103.26 in connection with the inventory of existing school facilities, the study of State and local resources avail-

able to meet school facilities requirements and the plan for a school construction program, the Commissioner from time to time will require reports, among others, in connection with the survey of the need for the construction of additional facilities, which shall relate the information under § 103.25 (b) to the future period of ten years.

§ 103.32 *Fiscal reports.* In addition to any other fiscal reports required to be made by it, the State educational agency of a State, upon request by the Commissioner, each year shall submit a fiscal report relating to its activities under Title I of the Act during the fiscal year ending June 30 of such year and detailing by items receipts and expenditures during such fiscal year.

§ 103.33 *Reports on estimated expenditures.* The State educational agency of a State, upon request by the Commissioner, each year shall submit an estimate of the expenditures in carrying out the purposes of § 103.11 in accordance with its application during the fiscal year commencing July 1 of such year.

SERVICES OF THE OFFICE OF EDUCATION

§ 103.41 *Services of the Office of Education.* The Office of Education may provide such technical, consultative or other services as may be of assistance to State educational agencies in carrying out the purposes set forth in § 103.11, and also may prescribe forms for required State summaries and reports.

PAYMENTS TO STATES AND FUND ACCOUNTING

§ 103.51 *Payments and amounts of payments.* Payments from sums allotted pursuant to Title I of the act shall be made to States whose applications for funds for carrying out the purposes set forth in § 103.11 have been approved. Each State shall be entitled to receive an amount equal to one-half of the total expenditures made by such State in carrying out the said purposes in accordance with its application up to the amount of the State's allotment.

(a) *Expenditures prior to approval of application.* Payments from sums allotted pursuant to Title I of the act shall be provided with respect to such expenditures only as are made by a State after the date of filing of a substantially approvable application pursuant to § 103.21.

(b) *Items of expenditures.* The expenditures in carrying out the said purposes may include, among other things, (1) salaries of full-time and part-time professional, statistical and clerical staff of the State educational agency utilized in carrying out the said purposes; (2) reasonable amounts for travel, communication, printing, equipment, and machine tabulation; and (3) a reasonable rental cost for additional non-public office space, provided such additional space is unavailable in public buildings and is necessary for effective operation by the State educational agency in carrying out the said purposes. No part of the cost of prior school facilities surveys or surveys presently being conducted under other than the provisions of Title I of the act shall be charged as expenditures under Title I of the act, but currently valid data and findings resulting from such other surveys may and should be utilized by State educational agencies in carrying out the purposes set forth in § 103.11 in accordance with their applications.

§ 103.52 *Period determined for estimates of payments.* For the purposes of section 103 of the act, the Commissioner initially will estimate the sum to which each State will be entitled during the period ending June 30 after the date of filing of an approved application, and thereafter will estimate the sum to which each State will be entitled during each succeeding fiscal year ending June 30.

§ 103.53 *State funds available.* In making advance payments for an ensuing period to a State, the Commissioner will require assurances acceptable to him that the State has or will have available to match the advance of Federal funds adequate State funds for expenditure during such ensuing period in carrying out the purposes set forth in § 103.11 in accordance with its application.

§ 103.54 *Fund accounting.* The State educational agency shall establish such fund accounting procedures as may be necessary to assure proper accounting for Federal funds under Title I of the act and for non-Federal funds used in connection therewith. Such procedures also shall serve to permit an expeditious determination to be made at any time of the status of such Federal and non-Federal funds.

DENIAL OF APPLICATION, WITHHOLDING OF CERTIFICATION AND HEARINGS

§ 103.61 *Denial of application only after hearing.* The Commissioner shall not finally refuse to approve in whole or in part any application made under Title I of the act until the State educational agency has been afforded reasonable notice and opportunity for hearing.

§ 103.62 *Withholding of certification.* Whenever the Commissioner, after reasonable notice and opportunity for hearing to a State educational agency, finds (1) that such State educational agency is not complying substantially with the provisions of Title I of the act or the terms and conditions of its application approved under that Title, or (2) that any funds paid to such State educational agency under Title I of the act have been diverted from the purposes for which they had been allotted or paid, the Commissioner may forthwith notify the Secretary of the Treasury and such State educational agency that no further certification will be made under Title I of the act with respect to such agency until there is no longer any failure to comply or the diversion has been corrected or, if compliance or correction is impossible, until such State educational agency repays or arranges for the repayment of Federal moneys which have been diverted or improperly expended.

§ 103.63 *Hearings.* Hearings held as required under §§ 103.61 and 103.62 shall be conducted in accordance with sections 5, 7, and 8 of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237, as amended; 5 U. S. C. and Sup. 1001–1011).

[SEAL] EARL J. McGRATH,
United States Commissioner of Education.

Approved March 21, 1951.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 51-3774; Filed, Mar. 27, 1951; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 101—RAIL AND WATER CARRIER PASSES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 7th day of March A. D. 1951.

The matter of free transportation being under consideration pursuant to provisions of the Interstate Commerce Act, as amended, and the modifications of the "Regulations to Govern the Forms and Recording of Passes, Issue of 1917," as set forth below, being deemed necessary for proper administration of Parts I and III of the Act (34 Stat. 584, 35 Stat. 60, 36 Stat. 544, 41 Stat. 475, 49 U. S. C. 1 (7) 22, and 306 (c)): It is ordered, that:

(1) *Objections.* Any interested party may on or before April 20, 1951, file with the Commission a written statement of reasons why the said modifications should not become effective as hereinafter ordered and may request oral argument thereon.

(2) *Effective date.* Unless otherwise ordered after consideration of such objections, the said modifications shall become effective May 1, 1951.

(3) *Notice.* A copy of this order with the attached modifications shall be served upon every carrier by railroad subject to the act, including electric lines and sleeping car companies, and every carrier by water subject to the act, and upon every lessor, trustee, receiver, executor, administrator, or assignee of any such carrier by railroad or by water, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the FEDERAL REGISTER.

(Sec. 12, 24 Stat 383, as amended; 49 U. S. C. 12)

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

1. In paragraph (a) of § 101.2 *General classes of passes,* cancel the definition of "term passes" and substitute for it the following: "Term passes are those good for a specified period of time other than a calendar year and without restrictions as to the number of trips."

2. Cancel paragraph (b) in § 101.4 *Signatures of issuing officers,* and substitute for it the following:

(b) Each pass on which a facsimile signature is printed must be countersigned by an officer or responsible subordinate, who must be designated on the pass.

3. In paragraph (h) of § 101.8 *Preparation of passes*, append the following additional example: "During lifetime."

4. Cancel the last sentence in paragraph (b) of § 101.10 *Signatures on requests for passes*, and substitute for it the following: "In case the facsimile signature is used, the request must be countersigned by an officer or responsible subordinate who must be designated thereon."

5. Cancel § 101.14 *Record of free tickets issued*, and substitute for it the following:

§ 101.14 *Record of free and reduced fare tickets issued.* A complete record of all tickets issued in lieu of passes, including tickets for which the fares have been refunded in whole or in part as well as those issued free or at reduced rates, must be maintained by carriers and filed in the office of the officer authorizing such issue or refund. This record must show the date; form and number of ticket; stations from and to; name and address or other designation of person to whom issued; account of issuance (in accordance with § 101.8 (e); amount of fare, amount of reduction, and the amount of refund if that is less than the fare; and name of officer authorizing the refund or issuance of the ticket.

6. In § 101.101 *List of forms*, change the title of Form 13 to read: "Record of free and reduced fare tickets issued."

[F. R. Doc. 51-3779; Filed, Mar. 27, 1951; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 944, 970]

HANDLING OF MILK IN QUAD CITIES AND CLINTON, IOWA, MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Rock Island, Illinois on January 3 and 4, 1951, pusuant to notice thereof which was issued on December 26, 1950 (15 F. R. 9529), upon proposed amendments to the tentative marketing agreements and to the orders, as amended, regulating the handling of milk in the Quad Cities and Clinton, Iowa, marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on February 16, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision and the opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on February 21, 1951 (16 F. R. 1740).

The only issue of record was whether the Class I and Class II differentials provided in the Quad Cities order and the Class I differential provided in the Clinton, Iowa, order should be increased 25 cents per hundredweight as an emergency basis for all delivery periods to and including June 1951.

No exceptions to the recommended decision were filed on behalf of interested parties.

Findings and conclusions. The findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 51-2547; 16 F. R. 1740), with respect to the issues set forth above are approved and adopted as the findings and conclusions of this decision as if set forth in full herein.

It is hereby ordered, That this decision be published in the FEDERAL REGISTER.

This decision filed at Washington, D. C., this 23 day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-3793; Filed, Mar 27, 1951; 8:51 a. m.]

NOTICES

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25942]

FERTILIZER BETWEEN CARTHAGE, N. C. AND POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

MARCH 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 975.

Commodities involved: Fertilizer and fertilizer materials, in carloads and less-than-carloads.

Between: Carthage, N. C., and points in southern territory, and from Carthage to points in official territory.

Grounds for relief: Circuitous routes, short or weak line carrier, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 975, Supp. 160.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-3776; Filed, Mar. 27, 1951; 8:49 a. m.]

[4th Sec. Application 25943]

ETHYLENE GLYCOL FROM PORT NECHES, TEX., TO BUFFALO, N. Y., AND OTHER POINTS

APPLICATION FOR RELIEF

MARCH 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3721.

Commodities involved: Ethylene glycol, carloads.

From: Port Neches, Tex.

To: Buffalo, North Tonawanda, Niagara Falls and Suspension Bridge, N. Y., Bridgeville and Coverts, Pa.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3721, Supp. 175.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3777; Filed, Mar. 27, 1951; 8:49 a. m.]

[4th Sec. Application 25944]

TEA FROM TEXAS PORTS TO LOUISIANA AND TEXAS

APPLICATION FOR RELIEF

MARCH 23, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. N. Roberts, Alternate Agent, for carriers parties to his tariff I. C. C. No. 743.

Commodities involved: Tea and tea dust, less-than-carloads.

From: Corpus Christi, Galveston, Houston and Texas City, Tex.

To: Points in Louisiana and Texas.

Grounds for relief: Competition with rail and motor carriers.

Schedules filed containing proposed rates; H. N. Roberts' tariff I. C. C. No. 743, Supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-3778; Filed, Mar. 27, 1951; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1193]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF FINDINGS AND ORDER

MARCH 22, 1951.

Notice is hereby given that, on March 21, 1951, the Federal Power Commission issued its order entered March 20, 1951, modifying order issued September 15, 1949, published in the FEDERAL REGISTER on September 22, 1949 (14 F. R. 5786), in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3764; Filed, Mar. 27, 1951; 8:46 a. m.]

[Docket No. G-1267]

NORTHEASTERN GAS TRANSMISSION CO.

NOTICE OF OPINION AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 22, 1951.

Notice is hereby given that, on March 21, 1951, the Federal Power Commission issued its Opinion No. 210 and order entered March 21, 1951, issuing certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3761; Filed, Mar. 27, 1951; 8:45 a. m.]

[Docket No. G-1326]

COLORADO INTERSTATE GAS CO. AND CANADIAN RIVER GAS CO.

NOTICE OF OPINION

MARCH 22, 1951.

Notice is hereby given that on March 20, 1951, the Federal Power Commission issued its Opinion No. 209 dated March 16, 1951, in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3762; Filed, Mar. 27, 1951; 8:46 a. m.]

[Docket No. G-1557]

NORTH PENN GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDER

MARCH 22, 1951.

In the matter of North Penn Gas Company, Allegany Gas Company, Alum Rock Gas Company and Dempseytown Gas Company; Docket No. G-1557.

Notice is hereby given that, on March 20, 1951, the Federal Power Commission issued its findings and order entered March 20, 1951, issuing a certificate of public convenience and necessity in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3759; Filed, Mar. 27, 1951; 8:45 a. m.]

[Docket Nos. G-1569, G-1591]

PENN-YORK NATURAL GAS CORP. AND TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF FINDINGS AND ORDER

MARCH 22, 1951.

In the matters of Penn-York Natural Gas Corporation, Docket No. G-1569; and Texas Eastern Transmission Corporation, Docket No. G-1591.

Notice is hereby given that on March 21, 1951, the Federal Power Commission issued its orders entered March 20, 1951, issuing certificate of public convenience and necessity in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3763; Filed, Mar. 27, 1951; 8:46 a. m.]

[Docket No. E-6341]

MINNESOTA POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING ACQUISITION OF COMMON STOCK

MARCH 22, 1951.

Notice is hereby given that, on March 20, 1951, the Federal Power Commission issued its order entered March 19, 1951, authorizing acquisition of common stock in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3758; Filed, Mar. 27, 1951; 8:45 a. m.]

[Project No. 2002]

CITIZENS POWER CO.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

MARCH 22, 1951.

Public notice is hereby given that Citizens Power Company of Lincoln, Nebraska, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for license for proposed major Project No. 2002, to be located on the Platte River, in Sarpy, Cass, and Saunders Counties, Nebraska. The project would consist of a dam forming a reservoir with a total storage capacity at elevation 1,062.0 feet above mean sea level of about 97,000 acre-feet; a powerhouse containing 3 units each having a normal rating of 9,000 kw.; a substation, switchyard, and appurtenant facilities.

Any protest against the approval of this application or request for hearing thereon, with the reason for such protest or request and the name and address of the party or parties so protesting or requesting should be submitted on or before April 26, 1951, to the Federal Power Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3760; Filed, Mar. 27, 1951; 8:45 a. m.]

[Docket Nos. IT-5605, IT-5620, IT-5623, IT-5632, IT-5573-IT-5576]

BROOKVILLE ELECTRIC CO. ET AL.

NOTICE OF ORDERS TERMINATING ORDERS TO SHOW CAUSE

MARCH 22, 1951.

In the matters of Brookville Electric Company, Docket No. IT-5605; Central States Power & Light Corporation, Docket No. IT-5620; Interstate Power Company of Wisconsin, Docket No. IT-5623; South Carolina Electric & Gas Company, Docket No. IT-5632; Iowa Electric Company, Docket No. IT-5573; Pittsfield Electric Company, Docket No. IT-5574; United Electric Light Company, Docket No. IT-5575; Ozark Utilities Company, Docket No. IT-5576 .

Notice is hereby given that, on March 21, 1951, the Federal Power Commission issued its orders entered March 20, 1951, terminating orders to show cause in the above-designated matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 51-3757; Filed, Mar. 27, 1951; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-141]

PEOPLES GAS LIGHT AND COKE CO.

ORDER GRANTING APPLICATION FOR PERMISSION TO WITHDRAW APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of March A. D. 1951.

The Peoples Gas Light and Coke Company having, on November 30, 1935, filed an application pursuant to the provisions of section 3 (a) (2) of the Public Utility Holding Company Act of 1935 ("act") for exemption from all the provisions of the act; applicant having thereafter filed four amendments to said application setting forth certain information regarding the disposition and changes occurring since the filing of said application with respect to the ownership and holding of securities by applicant in certain of its subsidiary companies.

Applicant having, on September 26, 1950, filed a fifth amendment to its application for exemption setting forth information regarding further changes in its ownership and holdings of securities of certain of its subsidiary companies, representing that applicant is no longer a holding company under the provisions of section 2 (a) (7) of the act, and requesting that the Commission issue an order permitting applicant to withdraw said application for exemption;

The Commission having examined said amendment and it appearing therefrom that applicant is a public utility company, engaged in the busines of distributing gas at retail within the limits of the City of Chicago, Illinois; that it presently has five direct subsidiary companies, viz, Chicago By-Products Corporation, Chicago District Pipeline Company, Natural Gas Pipeline Company of America, Texoma Natural Gas Company and Texas Illinois Natural Gas Pipeline Company and one indirect subsidiary company, Chicago & Illinois Western Railroad; that said direct and indirect subsidiary companies are not public utility companies within the meaning of section 2 (a) (5) of the act; and it further appearing that applicant does not directly or indirectly own, control or hold with power to vote, 10 percent or more of the outstanding voting securities of a public utility company or of a company which is a holding company and is therefore not a holding company under the provisions of section 2 (a) (7) of the act; and the Commission deeming it appropriate and in the public interest and in the interest of investors and consumers that applicant's request to withdraw its application for exemption be granted:

It is hereby ordered, That the application of the Peoples Gas Light and Coke Company for permission to withdraw its application filed pursuant to section 3 (a) (2) of the act for exemption from all the provisions of the act be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3769; Filed, Mar. 27, 1951; 8:48 a. m.]

[File No. 31-349]

PEOPLES GAS LIGHT AND COKE CO.

ORDER GRANTING APPLICATION TO WITHDRAW APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 20th day of March A. D. 1951.

The Peoples Gas Light and Coke Company, an Illinois corporation, having on December 31, 1935, filed with the Commission an application pursuant to the provisions of section 2 (a) (8) of the Public Utility Holding Company Act of 1935 ("act") for an order of the Commission declaring Midland United Company, a Delaware corporation, now named Midland Realization Company, not to be a subsidiary company of applicant; applicant having thereafter filed four amendments to said application setting forth certain information regarding the disposition and changes occurring since the filing of said application with respect to applicant's ownership, control and holding of securities issued and properties owned, controlled or operated by said Midland United Company, a holding company;

Applicant having on September 26, 1950, filed a fifth amendment to said application for exemption setting forth further information with respect to the severance by applicant of all relationships between applicant and Midland United Company, now Midland Realization Company, or its subsidiary Midland Utilities Company, representing that neither Midland United Company, nor its successor corporation, are any longer subsidiary companies of applicant under the provisions of section 2 (a) (8) of the act, and requesting that the Commission issue an order permitting applicant to withdraw said application for exemption;

The Commission having examined said amendment and it appearing therefrom that applicant is a public utility company, engaged in the business of distributing gas at retail within the limits of the city of Chicago, Illinois; that applicant does not own, control or hold, directly or indirectly, any securities issued or properties owned, controlled or operated by Midland United Company, or Midland Realization Company, its successor corporation, or any of their subsidiary companies, including Midland Utilities Company; that applicant executed a Settlement Agreement dated December 7, 1944, between Midland United Company, Midland Utilities Company, and the Trustees of the estates of said Midland companies in reorganization providing for the settlement of all claims of applicant against said Midland companies, which agreement had been approved on November 29, 1944, by order of the District Court of the United States for the District of Delaware in proceedings approving a Plan of Reorganization of Midland United Company and Midland Utilities Company; and it further appearing from said fifth amendment that applicant on August 26, 1946, received in cash the balance, together with interest thereon, due applicant, in full satisfaction of all amounts due and owing applicant from Midland Realization Company, formerly Midland United Company and Midland Utilities Company, in accordance with the terms of the aforesaid Settlement Agreement dated December 7, 1944; and

The Commission deeming it appropriate and in the public interest and in the interest of consumers and investors that applicant's request to withdraw its application for exemption be granted:

It is hereby ordered, That the application of The Peoples Gas Light and Coke Company to withdraw its application for an order pursuant to section 2 (a) (8) of the act declaring Midland United Company, now Midland Realization Company, not to be a subsidiary of applicant, be, and the same hereby is granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3271; Filed, Mar. 27, 1951; 8:48 a. m.]

[File No. 70-2456]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

ORDER GRANTING AMENDED APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of March A. D. 1951.

Public Service Company of New Hampshire ("New Hampshire"), an operating utility company and a direct subsidiary of New England Public Service Company, a registered holding company which in turn is a subsidiary of Northern New England Company, also a registered holding company, having filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 a further amendment to its application under the first sentence of section 6 (b) of said act which, as previously amended, was granted by order of this Commission dated December 20, 1950, Holding Company Act Releases Nos. 10065 and 10301;

The amendment proposing that the authorization granted New Hampshire by said order of December 20, 1950 with respect to the issuance or renewal of short-term notes, i. e., notes having a maturity of nine months or less, up to a maximum aggregate amount of $6,500,000 of short-term notes at any time outstanding, which expires on March 31, 1951, be extended to June 30, 1951; New Hampshire having stated that it has outstanding short-term notes in the amount of $4,950,000, that it anticipates additional short-term borrowings of $500,000 in April and $1,250,000 in June 1951, and that it plans to issue and sell $3,000,000 principal amount of its First Mortgage Bonds in May 1951, the proceeds of which will be applied on the short-term notes then outstanding;

Notice of said filing having been duly given in the form and manner prescribed by Rule U-23 under said act; the Commission not having received a request for hearing with respect to said amendment within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application, as amended, that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted, and further deeming it appropriate to grant the request of the applicant that the order herein become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that said application, as amended, be, and hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3768; Filed, Mar. 27, 1951; 8:47 a. m.]

[File No. 70-2564]

OHIO EDISON CO. AND PENNSYLVANIA POWER CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 21st day of March A. D. 1951.

Ohio Edison Company ("Ohio"), a registered holding company and a public utility company, and its direct subsidiary, Pennsylvania Power Company ("Pennsylvania"), a public utility company, having filed with this Commission a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 (the "act") and certain rules and regulations promulgated thereunder, proposing, among other things, the issuance and sale by Pennsylvania, pursuant to the competitive bidding requirements of Rule U-50, of 40,000 shares of $100 par value preferred stock of a new series or class ranking equally with the shares of Pennsylvania's outstanding 4.25% Preferred Stock; and

The Commission by order dated March 7, 1951, having granted the application and permitted the declaration to become effective subject to the condition, among others, that the proposed issuance and sale of preferred stock by Pennsylvania should not be consummated until the results of the competitive bidding, pursuant to Rule U-50, had been made a matter of record in this proceeding and a further order entered with respect thereto, and jurisdiction having been reserved therein over the payment of fees and expenses to be incurred in connection with the proposed transactions; and

Pennsylvania having on March 21, 1951, filed an amendment to said joint application-declaration in which it is stated that Pennsylvania, pursuant to the competitive bidding requirements of Rule U-50, has received the following bids with respect to the proposed issue of its new preferred stock:

Group headed by—	Dividend rate (percent)	Price to company	Cost to company (percent of price)
The First Boston Corp. Blyth & Co., Inc.	4.24	$100.279	4.2282
Lehman Bros.	4.24	100.26	4.2290
Smith, Barney & Co.	4.28	100.13	4.2744
Merrill, Lynch, Pierce, Fenner & Beane	4.36	100.5199	4.3374
Glore, Forgan & Co. W. C. Langley & Co.	4.48	100.539	4.4560

The amendment having further indicated that Pennsylvania has accepted the bid of The First Boston Corporation and Blyth & Co., Inc., as set out above, and that such preferred stock will be offered for sale to the public at a price of $102.125 per share plus accrued dividends from March 1, 1951, to the date of delivery, resulting in an underwriting spread of $1.846 per share of said preferred stock; and

Said application-declaration, as amended, further stating that the estimated fees and expenses to be incurred and paid by the applicant-declarant in connection with the proposed transactions amount to about $60,000, including a payment of fees of not more than $13,000 to Commonwealth Services, Inc., an independent service company which is a former affiliate of Pennsylvania, accountants' fees of $1,800 payable to Arthur Andersen & Co., legal fees in the amount of $5,500 payable to Winthrop, Stimson, Putnam & Roberts, counsel for the company; and said application-declaration, as amended, also stating that a fee of $3,500 is to be paid by the purchasers of the preferred stock to Simpson, Thacher & Bartlett, their counsel; and it appearing that such fees and expenses are not unreasonable; and

The Commission having examined said amendment and having considered the record herein and observing no basis for imposing terms and conditions with respect to the price to be paid for the said preferred stock, the dividend rate and the proposed underwriter's spread in connection therewith;

It is ordered, That the jurisdiction heretofore reserved with respect to the matters to be determined as a result of competitive bidding in connection with the sale of the new preferred stock under Rule U-50 and with respect to fees and expenses be, and the same hereby is, released, and that the said application-declaration of Pennsylvania, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3765; Filed, Mar. 27, 1951; 8:47 a. m.]

[File No. 70-2574]

SOUTHERN CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 21st day of March A. D. 1951.

In the matter of The Southern Company, Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company; File No. 70-2574.

The Southern Company ("Southern"), a registered holding company and its four public utility subsidiaries, Alabama Power Company ("Alabama"), Georgia Power Company ("Georgia"), Gulf Power Company ("Gulf"), and Mississippi Power Company ("Mississippi"), having filed with this Commission a joint application-declaration, and amendments thereto, pursuant to sections 6, 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 (the "act") and Rules U-43 and U-50 promulgated there-

under, relating to the following proposed transactions:

Southern proposes to issue and sell 1,000,000 additional shares of its $5.00 par value common stock at competitive bidding pursuant to Rule U-50. The proceeds from the sale of this common stock, together with treasury funds to the extent required, are to be invested in the purchase of additional shares of the common stock of subsidiary operating companies in order to assist them in financing their construction programs. Southern proposes to acquire, and the respective subsidiaries propose to issue and sell to Southern, no par value common stock as follows: 50,000 shares of additional common stock of Alabama for $5,000,000; 292,400 shares of additional common stock of Georgia for $5,000,000; 40,000 shares of additional common stock of Gulf for $2,000,000; and 75,000 shares of additional common stock of Mississippi for $2,000,000.

Said joint application-declaration and amendments thereto having been duly filed, and notice of such filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The joint application-declaration having requested that the Commission's order become effective forthwith upon issuance; and

The Commission finding with respect to said application-declaration, as amended, that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the following additional conditions:

(1) That the proposed sale of common stock of Southern shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 shall have been made a matter of record herein and a further order shall have been entered with respect thereto in the light of the record so completed, which order shall contain such further terms and conditions as may then be deemed appropriate.

(2) That jurisdiction be reserved with respect to all fees and expenses to be paid in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3767; Filed, Mar. 27, 1951; 8:47 a. m.]

No. 60——3

[File No. 70-2584]

OHIO EDISON CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of March A. D. 1951.

Ohio Edison Company ("Ohio"), a registered holding company and a public utility company, having filed a declaration pursuant to sections 6, 7 and 12 of the Public Utility Holding Company Act of 1935 (the "act"), and Rule U-62 promulgated thereunder with respect to the following transactions:

Ohio proposes to solicit the holders of its common stock for proxies to be voted at the annual meeting to be held on April 26, 1951, in favor of certain proposed amendments to its Articles of Incorporation. These amendments are being proposed at this time in contemplation of the subsequent issuance by Ohio of additional preferred stock and common stock, which security issuances are not embraced in the instant filing. The amendments to the Articles of Incorporation, generally speaking, relate to, among other things, certain limitations on the payment of common stock dividends and limitations on the issuance of unsecured indebtedness and additional preferred stock. Ohio requests that the Commission's order provide that upon the taking effect of these proposed amendments, the conditions limiting common stock dividends contained in the Commission's orders of September 14, 1944, September 26, 1944, March 31, 1945, September 9, 1948, March 29, 1950, and May 4, 1950, cease to be in effect.

The filing indicates that no authorization has been sought for the payment of fees and expenses by Ohio in connection with the transactions proposed in the filing other than for soliciting proxies. Such solicitation may be made by officials and employees of the company, and, if deemed advisable, by about six employees of Commonwealth Services Inc., an independent service company which was formerly an affiliate of Ohio, at a cost not to exceed $1,500. The company states that it may also, if it should be found necessary or advisable, retain some organization, as yet not determined, of professional proxy solicitors. It is anticipated that the total additional cost of such professional solicitation will not exceed $10,000.

Notice of the filing of this declaration having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing and not having ordered a hearing thereon; and

The Commission finding with respect to this declaration that all of the applicable standards are satisfied and that there is no basis for any adverse findings and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective except with respect to the proposal to hire an organization of professional proxy solicitors:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, that said declaration be and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the following terms and conditions:

(1) That jurisdiction be reserved with respect to all aspects of the proposal to hire an organization of professional proxy solicitors, including, among other things, the need therefor, their selection and compensation;

(2) That the conditions in the Commission's orders dated September 14, 1944, September 26, 1944, March 31, 1945, September 9, 1948, March 29, 1950, and May 4, 1950, restricting the payment of common dividends by Ohio shall cease to be effective upon the taking effect of the proposed amendments to Ohio's Articles of Incorporation.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3770; Filed, Mar. 27, 1951; 8:48 a. m.]

[File No. 70-2593]

CENTRAL AND SOUTH WEST CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 22d day of March A. D. 1951.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Central and South West Corporation ("Central"), a registered holding company. Declarant has designated sections 6 (a), 7 and 12 (e) of the act and Rules U-62 and U-100 promulgated thereunder as being applicable to the proposed transactions.

Notice is further given that any interested person may, not later than April 2, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 2, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Central proposes to amend its Articles of Incorporation so as to (1) increase its

authorized capital stock from 8,000,000 shares of $5 par value common stock to 10,000,000 shares of $5 par value common stock and (2) limit the present preemptive rights of its common stockholders so as to permit the sale for cash of shares of common stock, or any securities convertible into common stock, either by means of a public offering, or to or through underwriters or investment bankers who shall have agreed promptly to make a public offering of such shares or securities.

The declaration states that, under the laws of Delaware, the affirmative vote of the holders of a majority of the outstanding common stock is required for the adoption of each of said amendments.

Central proposes to solicit the holders of its common stock for proxies to be voted at the annual meeting to be held on May 15, 1951, in favor of the proposed amendments to its Articles of Incorporation. The declaration states that Central may retain the services of Dudley King, a professional solicitor, to assist in the solicitation of proxies from a specified group of stockholders, consisting primarily of dealers, commercial banks, trust companies and other institutional investors, and, if so retained, the charges and expenses of the solicitor, not to exceed $2,000, will be paid by Central. Other fees and expenses to be incurred by Central in connection with the proposed transactions are estimated at $4,500.

The declaration further states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Declarant requests that the Commission accelerate the entry of its order herein, that such order be issued not later than April 5, 1951, and that it become effective upon the issuance thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3772; Filed, Mar. 27, 1951; 8:48 a. m.]

MOORE & CO.

MEMORANDUM OPINION AND ORDER WITH RESPECT TO REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of March A. D. 1951.

In the matter of Moore & Company (a partnership), 113 Hudson Street, Jersey City 2, New Jersey, and Anna F. Ross doing business as Moore & Company (a sole proprietorship), 113 Hudson Street, Jersey City 2, New Jersey.

These are consolidated proceedings to determine whether it is in the public interest, pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the Exchange Act"), to revoke the broker and dealer registration of Moore & Company, a partnership, and of Anna F. Ross, doing business as Moore & Company, a sole proprietorship, and whether it is necessary or appropriate in the public interest or for the protection of investors, pursuant to section 15A (*l*) (2) of the Exchange Act, to suspend or expel Moore & Company from membership in National Association of Securities Dealers, Inc. ("NASD"), a national securities association registered under the Exchange Act.

On January 10, 1951, we issued our Findings and Opinion in which we found that one Walter G. Furlong, an unregistered broker-dealer, had willfully violated the anti-fraud provisions of section 17 (a) of the Securities Act of 1933 and sections 10 (b) and 15 (c) (1) of the Exchange Act and Rules X-10B-5 and X-15C1-2 (a) and (b) thereunder, by reason of certain transactions effected by him, under power of attorney, with certain of his customers for whom Furlong had opened accounts with Moore & Company. We found also that Mrs. Ross was guilty with Furlong of violations of the anti-fraud provisions here involved, even though she may have entertained an erroneous understanding of the permissible scope of Furlong's authority.[1]

While we stated in our Opinion that section 15 (b) of the Exchange Act would authorize the revocation of Moore & Company's registration, we concluded that a less severe sanction in the form of a 60-day suspension from the NASD would be in the public interest in this case: *Provided*, That Mrs. Ross would submit satisfactory evidence that she would use methods adequate to safeguard the interests of public customers in the event she effected security transactions with them in the future. We then stated:

> Accordingly, we shall hold this record open for a period of thirty days to give Mrs. Ross an opportunity to submit to us complete data showing that the procedures to be followed by her hereafter, which procedures should include the securing of appropriate legal and technical advice in the course of her dealings with public customers, will adequately safeguard the interests of such customers.
>
> Upon compliance with this condition, we shall issue an order cancelling the registration of Moore & Company, the partnership, and suspending Moore & Company as presently constituted from the NASD for a period of sixty days. In the event that Mrs. Ross should fail to meet this condition, we shall issue an order revoking her registration as a broker-dealer.

Mrs. Ross has advised us that her future practices will comply with our requirements as set forth under the Commission's rules, regulations and opinions. To this end she has engaged, on a permanent basis, an attorney and a firm of accountants to keep her constantly advised as to proper brokerage practices and procedures. In addition, she has submitted some data outlining various procedures she intends to follow with public customers as a means of guarding against a repetition of past offenses.

Mrs. Ross has also filed a request that we reconsider our decision to impose a sanction of a 60-day suspension of Moore & Company from the NASD, in the event we find that the conditions outlined by us have been met.

[1] — S. E. C. —, Securities Exchange Act Release No. 4545. Our findings and opinion contain a detailed exposition of the fraudulent acts and practices referred to, which will not be repeated herein.

We conclude that registrant has substantially fulfilled the conditions set forth by us and that it is appropriate to dismiss the revocation proceedings under section 15 (b) of the Exchange Act. However, the reasons advanced do not persuade us that we should not suspend Moore & Company, as now constituted, from the NASD for sixty days.

It is ordered, therefore, That the registration of Moore & Company, the partnership, be, and it hereby is, cancelled;

It is further ordered, That the proceedings for the revocation of registration pursuant to section 15 (b) of the Securities Exchange Act of 1934 instituted against Anna F. Ross, doing business as Moore & Company, be, and they hereby are, dismissed, and that Moore & Company, as now constituted, be, and it hereby is, suspended from National Association of Securities Dealers, Inc., for a period of sixty days from the date of this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-3766; Filed, Mar. 27, 1951; 8:47 a. m.]

[File No. 70-2596]

NEW ENGLAND GAS AND ELECTRIC ASSN.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of March A. D. 1951.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by New England Gas and Electric Association ("Negea"), a registered holding company. It appears from the filing that sections 6 (a), 7 and 12 (e) of the act and Rule U-62 promulgated thereunder are applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 29, 1951, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 29, 1951, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

In connection with its annual meeting of shareholders on May 1, 1951, Negea proposes to solicit proxies from its share-

holders with respect to nominees for Trustees and for the purpose of amending section 22 of the Declaration of Trust so as to enlarge its scope to permit the Trustees to issue all of the presently authorized but unissued common shares (1,405,125 shares) to provide funds to acquire under preemptive right additional stock of any natural gas pipeline company operating in Massachusetts, or to acquire 51 percent or more of the outstanding common stock of a Massachusetts gas or electric company. The declaration states that the Trustees of Negea deem it advisable that they be given authority to issue the authorized stock of Negea if such be necessary to provide funds for, or to retire temporary indebtedness incurred in connection with, the acquisition of additional stock of Algonquin Gas Transmission Company ("Algonquin"), in which pipeline company Negea has an existing 36.2 percent stock interest. The declaration further states that there is no intention at the present time to acquire a majority of the common stock of any Massachusetts gas or electric company, but the Trustees deem it advisable to amend section 22 of the Declaration of Trust at the annual meeting of stockholders to avoid the expense of a special meeting of stockholders in the event of an opportunity to purchase stock of a Massachusetts gas or electric company to the benefit of Negea and its shareholders.

In order to amend the Declaration of Trust, Negea states that it is necessary to obtain the consent of the holders of a majority of the outstanding common shares and of the holders of a majority of the preferred shares. Negea has filed with the Commission as an exhibit to its declaration herein, a copy of the solicitation material it proposes to send to its shareholders.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-3795; Filed, Mar. 27, 1951; 8:51 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 4]

WATCHES AND PARTS

NOTICE OF INVESTIGATION AND PUBLIC HEARING

The United States Tariff Commission on this 23d day of March 1951, under the authority of Paragraph 13 of Part III of Executive Order 10082 of October 5, 1949, and pursuant to the Commission's rules of practice and procedure, hereby announces an investigation, including a public hearing, for the purpose of determining whether, as a result of unforeseen developments and of the concession granted by the United States in the trade agreement with Switzerland, as amended, the following articles are being imported in such increased quantities and under such conditions as to cause or threaten serious injury to the domestic industry producing like or directly competitive articles:

Watches, watch movements, watch cases and all other articles and parts of articles classified under paragraph 367, Tariff Act of 1930, as amended.

On February 13, 1951, the Tariff Commission received an application for an investigation, under the escape clause of the Trade Agreement with Switzerland, with respect to jewelled watches and watch movements containing seven jewels or more but not more than seventeen jewels and parts therefor. This application was filed on behalf of the Elgin National Watch Company of Elgin, Illinois, and the Hamilton Watch Company of Lancaster, Pennsylvania. The application was subsequently endorsed in a communication received March 5, 1951, from the Trustees in Reorganization of the Waltham Watch Company. The Tariff Commission after preliminary study of this matter decided to institute a formal investigation, but on its own motion extended the scope of the investigation, as indicated above, to cover all watches, watch movements, watch cases and all other articles and parts of articles classified under paragraph 367, Tariff Act of 1930, as amended.

Hearing. All parties interested will be given opportunity to be present, to produce evidence, and to be heard at a public hearing to be held in the Tariff Commission Building, Seventh and E Streets NW., Washington, D. C., at 10 a. m. on the 15th day of May 1951.

Request to appear. Parties desiring to appear at the public hearing should notify the Secretary of the Commission in writing at its offices in Washington, D. C., in advance of the hearing.

Rules. Copies of the Commission's rules of practice and procedure, which set forth in § 207.6 the type of information pertinent to the hearing are available upon request from the United States Tariff Commission, Washington 25, D. C.

I certify that this investigation was ordered by the Tariff Commission on the 22d day of March 1951.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 51-3786; Filed, Mar. 27, 1951; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17500]

THEKLA MARIE DÄEHNE

In re: Estate of Thekla Marie Däehne, deceased. File No. D-28-12956.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Alfred Däehne, Elisabeth Kuhnert, Kurt Liebers, Dora Däehne and Albert Däehne, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, in and to the Estate of Thekla Marie Däehne, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by John C. Glenn, Administrator, acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 51-3788; Filed, Mar. 27, 1951; 8:50 a. m.]

[Vesting Order 15508, Amdt.]

MARY SPRANG ET AL.

In re: Rights of the Domiciliary personal representatives, et al., of Mary Sprang, deceased. File No. F-28-24353-H-2.

Vesting Order 15508 dated November 3, 1950 is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Gjertsen and Hildegard Schneider who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941 have been residents of Germany are nationals of a designated enemy country (Germany);

2. That Dora Zinn, Elisabeth Schalk, and Gertrud Sprang, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

3. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of

Mary Sprang, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

4. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 8116 GLH Serial 990 issued by the Metropolitan Life Insurance Company, New York, New York, to Fritz Sprang, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That the national interest of the United States requires that the persons named in subparagraph 1 hereof be treated as nationals of a designated enemy country (Germany);

6. That to the extent that the persons named in subparagraph 2 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Mary Sprang, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3740; Filed, Mar. 26, 1951; 8:54 a. m.]

[Vesting Order 17534]

MUNCHENER RUCKVERSICHERUNGS-GESELLSCHAFT

In re: Bonds owned by Munchener Ruckversicherungs-Gesellschaft. F-28-1490.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Munchener Ruckversicherungs-Gesellschaft, the last known address of which is Koniginstrasse 107, Munich, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Munich, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation, matured or unmatured, evidenced by one (1) The Baltimore and Ohio Railroad Company First Mortgage Gold 5 percent (4 percent Bond, due 1948/1975, of $1,000.00 face value, bearing the number 127287, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and all rights in, to and under the aforesaid bond, including particularly but not limited to any and all rights under an Adjustment Plan of September 20, 1944,

b. Those certain debts or other obligations, matured or unmatured, evidenced by thirty-eight (38) Chicago, Rock Island and Pacific Railway Company First and Refunding Mortgage Gold 4 percent Bonds, due 1934, each of $1,000.00 face value, bearing the numbers 1868, 16612, 16613, 18252, 18253, 18254, 19701, 19702, 19703, 19704, 19705, 25980, 26550, 26551, 26552, 27844, 29784, 30053, 30054, 30071, 31213, 31334, 31335, 31336, 31337, 31338, 40419, 40420, 40421, 40636, 41226, 41227, 42059, 42060, 42735, 42738, 42739 and 42740, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and all rights in, to and under the aforesaid bonds, including particularly, but not limited to any and all rights under an ICC Modified Reorganization Plan of January 3, 1944.

c. That certain debt or other obligation, matured or unmatured, evidenced by one (1) substitute certificate, numbered 1, for two (2) Denver and Rio Grande Railroad Company First Consolidated Mortgage Gold 4½ percent Bonds, due 1936, each of $1,000.00 face value, bearing the numbers 35292 and 35293, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and all rights in, to and under the aforesaid certificate, including particularly but not limited to any and all rights under an ICC Reorganization Plan as modified June 25, 1943,

d. Those certain debts or other obligations, matured or unmatured, evidenced by thirteen (13) Denver and Rio Grande Western Railroad Company General Mortgage Gold 5 Percent Bonds, due 1955, of $11,600.00 aggregate face value, bearing the numbers 2962, 1242, 19363, 19364, 19365, 19366, 19367, 19368, 19369, 19370, 19371, 19372 and 19373, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and all rights in, to and under the aforesaid bond, including particularly but not limited to any and all rights under an ICC Reorganization Plan as modified June 25, 1943, and

e. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Illinois Central Railroad Company Collateral Trust Gold 4 percent Bonds, due 1952, each of $1,000.00 face value, bearing the numbers 1650, 5266 and 5526, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and all rights in, to and under the aforesaid bonds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 13, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3739; Filed, Mar. 26, 1951; 8:54 a. m.]

[Return Order 905]

GERARD BARDET

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Gerard Bardet, Paris, France; Claim No. 18398; February 2, 1951 (16 F. R. 1000); property described in Vesting Order No. 1187 (8 F. R. 7036—May 27, 1943) relating to United States Patent Application Serial No. 470,616 (now United States Letters Patent No. 2,376,651). This return shall not be deemed to include the rights of any licensees under the above patent.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-3743; Filed, Mar. 26, 1951; 8:55 a. m.]